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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
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Item 9 of the provisional agenda*

CONTRIBUTIONS OF THE COMMITTEE TO INTERNATIONAL CONFERENCES

Report of the Committee on progress achieved in the implementation of the Convention

Note by the Secretariat

1. At its thirty-sixth session, in 1992, the Commission on the Status of Women decided to include in the basic documentation for the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in Beijing in 1995, an updated compendium on the achievements of the Convention on the Elimination of All Forms of Discrimination against Women. A compendium had originally been prepared as the report of the Committee on the Elimination of Discrimination against Women on the achievements of and obstacles encountered by States Parties in the implementation of the Convention for presentation to the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi in July 1985 (A/CONF.116/13).

2. At its twelfth session, in 1993, the Committee on the Elimination of Discrimination against Women requested the Secretariat to provide for its review at its thirteenth session an outline of the draft of an updated compendium. At that session, the Committee had before it an outline of the compendium on the implementation of the Convention prepared by the secretariat (CEDAW/C/1994/7). The Committee considered the structure and contents of the document, and decided to introduce changes in the title, structure and contents of the document prepared by the secretariat.

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* CEDAW/C/1995/1.

3. The Committee decided that the title of the compendium should be "Report on progress achieved in the implementation of the Convention". It decided that the report should be expanded to include chapters on the following:

(a) Introduction

(b) Origins of the Convention and practices of the Committee

(c) Interpretation and implementation of the Convention

(d) The future of the Convention and the Committee

The Committee then elaborated on the content of each of the chapters.

4. The draft, which is annexed to the present document, has been prepared by the Division for the Advancement of Women, as the secretariat of the Committee, in line with the instructions provided. It is expected that it will be reviewed, expanded and, mutatis mutandis, adopted by the Committee at its fourteenth session for submission to the Fourth World Conference on Women.

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ANNEX

PROGRESS ACHIEVED IN THE IMPLEMENTATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

FIRST DRAFT

Prepared by the Division for the Advancement of Women

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PREFACE

1. Sixteen years have passed since the adoption by the General Assembly, in resolution 34/180 of 18 December 1979, of the Convention on the Elimination of All Forms of Discrimination against Women, and 14 since its entry into force. But it is also 50 years since the United Nations began its efforts to achieve the purpose set out in its Charter "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small ...".

2. The fiftieth anniversary of the United Nations, coupled with the Fourth World Conference on Women, provide an opportunity to reflect on the process by which the United Nations has sought to turn that reaffirmation into reality. The present report, by the Committee on the Elimination of Discrimination against Women, with the assistance of its secretariat, the Division for the Advancement of Women, of the United Nations, seeks to provide that reflection.

3. The adoption of the Convention in 1979 was the culmination of 30 years of work by the Commission on the Status of Women, a body set up in 1946. The Commission, in its first 24 sessions, examined and refined many of the principles that have been incorporated in the Convention. The first chapter of the present report covers that period, as well as subsequent developments that have been relevant to the implementation of the Convention.

4. The Committee on the Elimination of Discrimination against Women was set up in 1981 to monitor the implementation of the Convention. Over the 14 years of its existence, the Committee has evolved policies and practices that have helped shape the implementation of the Convention. The Committee's work, and its composition, are set out in chapter II.

5. A major aspect of the work of the Committee has been to increase understanding of the meaning of the various articles of the Convention. Chapter III examines the current understanding of these articles. It is based on the Committee's review of the reports of States Parties, from which general recommendations have been drawn, as well as special analyses undertaken for this report.

6. With a 50-year perspective, the report seeks to examine the future of the Convention, in substantive and institutional terms. It is hoped that its examination will help consolidate the progress already achieved.

7. While the report has been prepared for the Fourth World Conference on Women, it is also intended to serve as a basic reference for anyone interested in the equal rights of men and women and in the Convention.

[Signed]

Chairperson
Committee on the Elimination of
Discrimination against Women

I. THE UNITED NATIONS AND THE EQUAL RIGHTS OF MEN AND WOMEN, 1946-1994

1. The present report gives a historical account of United Nations work to promote and ensure to women equal rights with men. The story begins early in 1946. It outlines the background and origin of United Nations concern for the status of women, covers the period of fact-finding and standard-setting, highlights the main conventions, declarations and other recommendations made, and explains the measures adopted to oversee their implementation. It also describes the beginning of the concern for women in development and shows how this concept evolved and also how the present focus on the threefold theme of equality, development and peace came about. It is in large part an account of the work of the Commission on the Status of Women, both as the main proponent of women's rights and as a catalyst for action by others throughout the United Nations system.

2. It has often been argued that women's rights are part of human rights and that therefore there is no need for a special body to deal separately with women's rights. Those who hold this view believe that women's enjoyment of equal rights with men can be handled most effectively within the overall human rights context. On the other side it is argued, with equal conviction, that while this view might appear to be logical, experience has shown that it does not happen in practice and that if there is not a special body to oversee women's interests and concerns, the issues that affect women differently from men tend to be overlooked and receive low priority among other pressing needs. While this chapter does not purport to provide a clear-cut answer to this difficult question, the history of the work of the Commission on the Status of Women demonstrates that without the Commission's pioneering efforts women would not have made as much progress as they have and that, despite the considerable gains they have made, women still have far to go in attaining full enjoyment of equal rights with men.

A. Origin of the United Nations concern for the equal rights of men and women

3. The United Nations has been concerned with human rights and the equal rights of men and women since the Organization was founded in 1945, although it is not the first international and intergovernmental body to deal with questions affecting the status of women. International conferences were held and international conventions adopted even before the League of Nations came into existence, although these did not deal directly with the status of women. 1/ International women's non-governmental organizations existed and were active on behalf of women long before either the League or the United Nations and have always been a powerful influence in promoting women's rights.

4. The first international and intergovernmental body to initiate action aimed specifically at the elimination of discrimination against women was the Pan American Union, now known as the Organization of American States. At its conference in 1923, it agreed that future conferences should consider means of abolishing constitutional and legal incapacities of women, and in 1928 it

established the Inter-American Commission of Women to study the status of women in the American Republics and work for women's civil and political rights. 2/

5. The Covenant of the League of Nations adopted on 28 April 1919 called on its member States to endeavour to secure fair and humane conditions of labour for men, women and children. It also entrusted the League to work for the suppression of traffic in women and children. Subsequently, under pressure from women's organizations and women representatives, especially from the American Republics, the League initiated studies on the civil and political rights of women. In 1937 and 1938, the League embarked on a general survey of the status of women under national laws and their application. It was to be in three parts, dealing with public, private and penal law, but was halted by the outbreak of the Second World War.

6. The Charter of the United Nations adopted in San Francisco in June 1945 is the first international treaty to refer in specific terms to human rights and to the equal rights of men and women. In the Preamble, the peoples of the United Nations reaffirm their faith in "fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small". The principle of equality is specifically mentioned there, and in Article 8, which states: "The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs." The Purposes and Principles of the Organization set forth in Article 1 include the promotion and encouragement of respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. Again, under Article 55, the United Nations is to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion, 3/ and in Article 56, all Member States pledge themselves to take joint and separate action in cooperation with the Organization to achieve this purpose.

7. Pressure from non-governmental organizations, women's organizations and women representatives who were attending the founding Conference in San Francisco were primarily responsible for the inclusion of these provisions in the Charter. The first drafts agreed earlier at Dumbarton Oaks had not included any provisions on human rights or women's rights.

8. Meeting in February 1946 in London at the first United Nations General Assembly, 17 women delegates and advisers from 11 countries drafted an open letter to the women of the world, which Eleanor Roosevelt of the United States of America, on their behalf, presented to the General Assembly at its 29th plenary meeting. It read:

> This first Assembly of the United Nations marks the second attempt of the peoples of the world to live peacefully in a democratic world community. This new chance for peace was won through the joint efforts of men and women working for common ideals of human freedom at a time when need for united effort broke down barriers of race, creed, and sex.
>
> In view of the variety of tasks which women performed so notably and valiantly during the war, we are gratified that 17 women representatives

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> and advisers, representatives of 11 Member States, are taking part at the beginning of this new phase of international effort. We hope their participation in the work of the United Nations Organization may grow and may increase in insight and in skill. To this end we call on the Governments of the world to encourage women everywhere to take a more active part in national and international affairs, and on women who are conscious of their opportunities to come forward and share in the work of peace and reconstruction as they did in war and resistance.
>
> We recognize that women in various parts of the world are at different stages of participation in the life of their community, that some of them are prevented by law from assuming full rights of citizenship, and that they therefore may see their immediate problems somewhat differently.
>
> Finding ourselves in agreement on these points, we wish as a group to advise the women of all our countries of our strong belief that an important opportunity and responsibility confront the women of the United Nations: first, to recognize the progress women have made during the war and to participate actively in the effort to improve the standards of life in their own countries and in the pressing work of reconstruction, so that there will be qualified women ready to accept responsibility when new opportunities arise; second, to train their children, boys and girls alike, to understand world problems and the need for international cooperation, as well as the problems of their own countries; third, not to permit themselves to be misled by anti-democratic movements now or in the future; fourth, to recognize that the goal of full participation in the life and responsibilities of their countries and of the world community is a common objective toward which the women of the world should assist one another. 4/

9. At the same meeting, the French delegation presented a declaration echoing similar sentiments, and urging that women be given a much greater role in the delegations to the next United Nations conference.

10. No vote was taken on these two declarations, but the President of the General Assembly and several representatives expressed the hope that those statements would receive wide publicity and serious consideration. Several also emphasized the importance of the creation of a committee on the status of women to function under the Commission on Human Rights of the Economic and Social Council. 5/

11. Thus was the stage set in 1946 for the future work of the United Nations to promote the equal rights of men and women.

B. Institutional and organizational arrangements

1. Establishment of commissions and subcommissions

12. Under the Charter, the General Assembly, the Economic and Social Council and the Secretariat are the three principal organs of the United Nations that have primary responsibility for human rights, including the status of women, and the Commission on Human Rights is the only functional commission that is

specifically mentioned in the Charter (Article 68). In establishing the Commission at its first session held in London in February 1946, the Council expressed the view that it "will require special advice on problems relating to the status of women", and accordingly set up a Subcommission on the Status of Women. It authorized the Subcommission to submit proposals, recommendations, and reports to the Commission on Human Rights regarding the status of women, and to submit proposals regarding its own terms of reference to the Council through the Commission on Human Rights. The Council itself did not appoint any other subcommission of the Commission on Human Rights at that time or subsequently. It also decided at that session that the two bodies would consist initially of a nucleus of nine members to serve until 31 March 1947, and it appointed the members (Council resolution 5 (I) of 16 February 1946).

13. The Subcommission on the Status of Women held only one session, from 29 April to 13 May 1946, when it drew up a comprehensive programme of work and recommended that its future composition should consist of 15 members serving in their individual capacity. Neither the Subcommission nor the Commission on Human Rights formally challenged the status of the Subcommission at those initial meetings. However, there was concern, especially among women representatives and the non-governmental organizations, that the vast amount of work facing the Commission on Human Rights, including the drafting of an international bill of rights, would result in women's issues receiving scant attention and low priority. They also feared that the particular needs of women, many of which were seen as being matters of urgency, would be overlooked by the parent body. Their efforts behind the scenes resulted in the Council's decision of 21 June 1946 to make the Subcommission a full Commission reporting, like the Commission on Human Rights, directly to the Council.

2. Composition, membership and frequency of meetings

14. At the Council's second session held in New York in June 1946, controversy arose over the composition of all the functional commissions set up at that time: should they consist of experts serving in their individual capacity or be government representatives? The formula finally agreed upon was that the Council would elect the States to be represented on the commissions, who would then consult the Secretary-General concerning their nominee. After that consultation process had taken place, the Council confirmed the individual concerned as the "member" of the commission with the right to vote. Until the 1970s, in application of that procedure, the right to vote was restricted to the member or a duly appointed alternate, but this has become less significant since most decisions are now reached by consensus.

15. Members of the Subcommission on the Prevention of Discrimination and Protection of Minorities set up in 1947 have always been elected in their personal capacity and geographical representation among the countries of which the members are nationals is maintained.

16. The size of the various bodies responsible for human rights has increased over the years in line with the expanding membership of the United Nations. The Commission on the Status of Women originally had 15 members; the number was increased to 18 in 1952, then to 21 in 1961 and in 1966 the membership of all

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commissions expanded to 32 following a formula intended to provide equitable geographical representation (Council resolution 1147 (XLI) of 4 August 1966). In 1989, the Commission again increased its membership to 45. The Commission on Human Rights followed a similar pattern, except that it began as an 18-member body. The membership of the Subcommission on the Prevention of Discrimination and Protection of Minorities also increased, from an initial 12 members to 14 in 1959, 18 in 1965 and 26 in 1969.

17. While the Commission on Human Rights has met annually since its establishment, the Commission on the Status of Women has often had to work hard to persuade the Economic and Social Council to maintain annual sessions. With the exception of 1964, however, when no session was held, the Commission succeeded in meeting annually from 1947 to 1970. After that date, the Council decided that it should meet only every other year and the biennial pattern continued until 1987, when it was again authorized to meet annually until the year 2000.

3. Terms of reference

18. The terms of reference of the Commission on the Status of Women, established in 1946, were: "to prepare recommendations and reports to the Economic and Social Council on promoting women's rights in political, economic, social and educational fields", and on "urgent problems requiring immediate attention in the field of women's rights". The last phrase was amended the following year to emphasize the principle of equal rights of men and women and in its amended form it read: "urgent problems requiring immediate attention in the field of women's rights with the object of implementing the principle that men and women shall have equal rights, and to develop proposals to give effect to such recommendations" (Council resolution 48 (IV) of 29 March 1947). This has remained the Commission's mandate, although it was expanded in 1987 to include the functions of promoting the objectives of equality, development and peace, monitoring the implementation of measures for the advancement of women, and reviewing and appraising progress made at the national, subregional, regional, sectoral and global levels.

19. The terms of reference of the Commission on Human Rights, defined in the same resolution of 1947, are: "to submit proposals, recommendations and reports to the Council regarding: (a) an international bill of rights; (b) international declarations or conventions on civil liberties, the status of women, freedom of information and similar matters; (c) the protection of minorities; (d) the prevention of discrimination on grounds of race, sex, language or religion; and (e) any other matter concerning human rights not covered by (a), (b), (c) and (d). This mandate, including the reference to the status of women, still applies.

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4. The Commission on the Status of Women and other United Nations bodies

(a) General Assembly and Economic and Social Council

20. As a functional commission of the Economic and Social Council, the Commission on the Status of Women operates under its authority, and submits its recommendations directly to the Council and, through the Council, to the General Assembly. It also addresses recommendations to Governments through the Council.

(b) Commission on Human Rights and Subcommission on the Prevention of Discrimination and Protection of Minorities

21. The formal arrangements governing the relationship between the Commission on the Status of Women and the Commission on Human Rights and other United Nations bodies were laid down by the Council in 1947 (resolution 48 (IV) of 29 March 1947). The Council agreed that the Commission on the Status of Women should be represented at the Commission on Human Rights when sections of the draft international bill of rights concerning women's rights were discussed, and that the draft should be circulated to both commissions at the same time. Several years later, in 1955, the Council further endorsed this relationship and requested the Commission on Human Rights to invite the Commission on the Status of Women to send a representative to participate without vote when questions of direct concern to women were on the agenda (resolution 566 (XIX) of 6 April 1955). Again, in 1965, on the recommendation of the Commission on Human Rights, the Council decided, in connection with the preparatory work for the International Year for Human Rights (1968), that a representative of the Commission on the Status of Women should be invited to attend the meetings of a working party set up to elaborate the programme for the year, preferably when the proposed conference on human rights was under discussion (resolution 1074 F (XXXIX) of 28 July 1965).

22. Similar arrangements were made in 1947, in Council resolution 48 (IV), concerning the participation of a representative of the Commission on the Status of Women at meetings of the Subcommission on the Prevention of Discrimination and Protection of Minorities.

23. As a result of these decisions, a representative of the Commission attended subsequent sessions of the Commission on Human Rights and its Subcommission, and items were included in its own agenda at each session to discuss the reports of the representatives who had attended these meetings. The Commission found the procedure useful because it enabled it to have a direct and immediate input into the work of these bodies, including draft declarations and conventions that were being prepared and were of concern to women, as well as the global studies undertaken by the Special Rapporteurs appointed by the Subcommission on the Prevention of Discrimination and Protection of Minorities at that time. The Commission sometimes found that women's rights were not dealt with adequately in those studies and it either proposed changes or undertook studies of its own.

24. The practice of representation at both bodies was discontinued in 1970, mainly for financial reasons but also because the transfer of the Division of Human Rights to Geneva was pending and the Commission on the Status of Women was

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scheduled to meet only biennially after 1970. The coordination of activities has since been maintained through the Secretariat but the lack of daily contact, especially following the physical separation of the relevant Secretariat units, first between New York and Geneva and later between Vienna and Geneva, has made this more difficult.

(c) Commission for Social Development

25. While in the early years the Commission on the Status of Women did not enjoy the same close working relationship with the Social Commission (now the Commission for Social Development), it frequently expressed interest in and commented on aspects of that Commission's work, such as the suppression of traffic in women and children, the prevention of crime and treatment of offenders, and community development, and it was on occasion represented at meetings of that Commission. The mutual interest of the two commissions in development issues brought their work closer together after 1970 and the relevant Secretariat units were also brought closer together after 1972 (see sect. 5 below).

(d) Trusteeship Council

26. From its inception, the Commission on the Status of Women was interested in the situation of women in Trust and Non-Self-Governing Territories and it made various suggestions to that Council through its parent body, the Economic and Social Council. For example, it proposed amendments to the questionnaires addressed to the Administering Authorities aimed at soliciting more information about women. At each Commission session until 1970, when few such territories still existed, the Secretary-General regularly submitted reports on the situation of women in those territories which the Commission usually considered in the context of political rights. As a result of the information it received, the Commission was also led to express its concern about certain institutions and practices, including child marriages and "ritual operations" performed on young girls, a topic ignored for many years by other United Nations bodies (see chap. IV, sect. 4, below).

(e) Specialized agencies and other United Nations bodies

27. The specialized agencies that have cooperated most closely with the Commission on the Status of Women since it was established have been the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), which were formerly invited in 1947 to participate in its work. Both agencies have been represented at the Commission's sessions regularly and have reported on their activities concerning women as well as undertaking specific studies, at the request of the Commission, on subjects within their competence. The World Health Organization (WHO) was also represented at some of the early sessions of the Commission, as for example when the status of nurses was under consideration, and when the question of certain traditional practices was discussed. The Food and Agriculture Organization of the United Nations (FAO) came into the picture somewhat later.

28. As the unified long-term programme for the advancement of women developed, especially after the proclamation of International Women's Year and the United

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Nations Decade for Women, more and more agencies and United Nations bodies, including the regional commissions, became interested in the advancement of women, and gradually the United Nations system as a whole became involved.

(f) Intergovernmental organizations

29. Already in 1947, the Economic and Social Council accepted the recommendation of the Commission on the Status of Women that regional intergovernmental organizations should be invited to send observers to the sessions of the Commission to act in an advisory and informative capacity and to arrange for the exchange of information between the Commission on the Status of Women and these organizations on subjects relating to the status of women. The only such body existing at that time was the Inter-American Commission on Women, which regularly attended the Commission sessions. After the Committee on the Status of Arab Women came into being early in the 1970s it enjoyed a similar working relationship with the Commission.

(g) Non-governmental organizations

30. Interested international non-governmental organizations that have consultative status with the Economic and Social Council have always maintained a close working relationship with the Commission on the Status of Women. They participate actively as observers in the Commission sessions, make written and oral statements and have played a crucial role in carrying out the Commission's recommendations at both the national and international levels, through their own and their national affiliates' programmes and through effective lobbying.

5. The Secretariat

31. As a principal organ of the United Nations, the Secretariat plays a key role in all United Nations programmes. It services the meetings of the various bodies, undertakes research, prepares reports and other documentation, assists in setting policy and is responsible for seeing that recommendations made are carried out, as well as undertaking budget preparation and securing its approval within the Secretariat and before the United Nations bodies responsible for financial matters.

32. In 1946, the Human Rights Division, headed by a Director, was established as part of the Department of Social Affairs, and within that Division a Section on the Status of Women was set up under the authority of the Director. When the Subcommission on the Status of Women became a full commission, no change was made in the Section responsible for servicing the full Commission and it remained part of the Human Rights Division. Shortly after these initial arrangements, the Department of Social Affairs merged with the Department of Economic Affairs and the Human Rights Division automatically formed part of the new Department of Economic and Social Affairs. In 1958, a further change was made, and the Division transferred to the Secretary-General's Office reporting to the Chef de Cabinet and the Under-Secretary-General for Special Political Affairs. The reason for this change was partly to enhance the status of the human rights programme and partly because it was considered closer in substance to legal and political matters than to economic matters, which were the main

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focus of the Department at that time. These arrangements remained in effect until after the Division transferred to Geneva and became the Centre for Human Rights. This transfer was made because it was thought that the human rights programme would be carried out more effectively in a climate that was less politically charged than that then prevailing at United Nations Headquarters.

33. By the beginning of the 1970s, the status of women programme was becoming increasingly concerned with development issues as the unified long-term programme for the advancement of women evolved. The first woman Assistant Secretary-General was appointed in 1972 and following her appointment the Centre for Social Development and Humanitarian Affairs was created within the Department of Economic and Social Affairs. It was then decided to transfer the Section on the Status of Women to the Centre, and upgrade it to a branch, to be known as the Branch for the Promotion of Equality of Men and Women. This arrangement was in effect when the Centre transferred to Vienna in 1978, where it has since changed its title and been upgraded to the Division for the Advancement of Women. Following a major restructuring of the United Nations Secretariat in the economic, social and related fields, the Division for the Advancement of Women became part of the new Department for Policy Coordination and Sustainable Development and was transferred from Vienna back to United Nations Headquarters in New York in 1993.

C. Fact-finding, standard-setting and preparation of international instruments

34. The world into which the United Nations was born was a very different world from that of today. The great technological advances of this century had yet to be made. Television was not generally available and the vast communications network people now take for granted did not exist. Commercial air travel was only just beginning. The Second World War had revealed violations of human rights on a vast scale and the founders of the new Organization sought to create a world order in which those would not be repeated. In 1945, the United Nations consisted of only 51 Member States and many of the sovereign States which are now United Nations Members were under colonial domination. The promotion of human rights, while proclaimed in the Charter, required definition by the international community. Women, especially married women, faced many disabilities in law and in fact, and were subject to discrimination in most countries.

35. The United Nations bodies entrusted with the promotion of human rights and women's rights faced a difficult task, especially against the background of Article 2, paragraph 7 of the Charter, which limited intervention in matters which are essentially within the domestic jurisdiction of States.

36. The first task before the Commission on Human Rights was the preparation of an international bill of human rights and immediately there were divergent views as to whether the bill should be in the form of a declaration or a legally binding convention. This difference of approach was repeated with respect to several other human rights instruments. Frequently the decision has been to begin by drafting a declaration, on which agreement is more easily reached, and which provides guidelines for Governments that may not be in a position to

ratify or accede to a particular convention. At a later stage, a legally binding convention may be prepared, while the declaration serves to guide those which do not become parties to the convention. The decision to proceed with both a declaration and a convention was reached with regard to the international bill of human rights. Other examples of both instruments being prepared include the declaration and convention on the elimination of racial discrimination, the declaration and convention on the elimination of discrimination against women, and the declaration and convention on the rights of the child.

37. At its second session in 1947, the Commission on Human Rights decided that the international bill of human rights should consist of three parts: a declaration, followed by a convention or conventions and measures of implementation. The first part of the international bill, the Universal Declaration of Human Rights, was completed in 1948, but the two international covenants on civil and political rights and on economic, social, and cultural rights were adopted only many years later, in 1966.

38. The General Assembly, in resolution 217 (III), proclaimed the Universal Declaration of Human Rights on 10 December 1948 as "a common standard of achievement for all peoples and all nations" setting forth the civil and political and the economic, social and cultural rights to which all human beings are entitled. The inclusion of economic, social and cultural rights together with civil and political rights represented a new approach. In the case of the Covenants, it was ultimately decided to prepare two separate instruments to reflect the different nature of the two categories of rights. The provisions of the Universal Declaration and of the two International Covenants on Human Rights apply equally to men and women. The Commission on the Status of Women suggested amendments to the drafts elaborated by the Commission on Human Rights in order to emphasize this fact. Under article 3 of each Covenant, for example, States Parties undertake to ensure the equal right of men and women to the enjoyment of all the rights set forth, and article 2 provides that the rights set forth will be exercised without discrimination on grounds of sex, inter alia.

39. Numerous other international declarations, conventions and recommendations concerning human rights have been adopted under United Nations auspices. Some of these, emanating primarily from the Commission on Human Rights, seek to safeguard the rights and freedoms of all human beings. Others, originating with the Commission on the Status of Women and described below, deal specifically with women's rights that the Commission considered had not been covered adequately by other existing instruments. ILO has also adopted a large number of international conventions and recommendations that deal with both workers in general and issues that particularly concern women. UNESCO has adopted international instruments directed against discrimination in education.

40. The Universal Declaration of Human Rights inspired much of the early work of the Commission on the Status of Women as it embarked on its programme of fact-finding and standard-setting, beginning from where the work of the League of Nations had ended. In the late 1940s and 1950s, it devoted much time and effort to the study of all the rights set forth in its terms of reference, with particular emphasis on the legal status of women. It gave high priority to political rights because it believed that only when women exercised those rights on equal terms with men would they be able to make significant progress in other

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areas. Moreover, in 1945, when the United Nations was founded, women could vote in only 30 of the then 51 Member States.

41. The Commission undertook extensive studies of the status of women in private law, taking as its point of departure article 16 of the Universal Declaration which proclaims the equal rights of men and women "as to marriage, during marriage and at its dissolution". The Secretariat prepared factual reports, using information furnished by Governments and non-governmental organizations in response to questionnaires or available in official gazettes, and the writings of recognized scholars, as well as information provided by a series of regional seminars on the status of women in family law. It adopted numerous resolutions intended to draw attention to problems and existing inequalities of men and women, to set international standards, and to provide guidelines to encourage Governments to amend legislation that discriminated against women. 6/

42. During this period, the Commission was also working in close cooperation with ILO in studying all aspects of economic rights and the employment of women. In this case it sought in the first instance to build on article 23 of the Universal Declaration. It adopted its own proposals and also made recommendations to ILO, including suggestions concerning conventions and formal recommendations under preparation by that agency. 7/

43. Similarly, the Commission worked closely with UNESCO in reviewing all aspects of the education of women, basing itself on article 26 of the Universal Declaration. It recognized that education was the key to women's advancement in any field and it made numerous recommendations aimed at the elimination of discrimination against women in education at all levels and of all types. It also focused its attention on the grave problem of illiteracy among women. Its recommendations all sought to urge national authorities to take dynamic action to educate girls and women on a basis of equality with boys and men. 8/

(a) Convention on the Political Rights of Women

44. Beginning in 1946, data were collected and submitted annually to the General Assembly and to the Commission itself listing countries in which women could vote and hold public office on equal terms with men. In 1949, the Commission began work on the Convention on the Political Rights of Women, which the General Assembly adopted on 20 December 1952 in resolution 640 (VII). It was one of the first human rights conventions to be enacted. In three substantive articles, the Convention provides that women shall be entitled, on equal terms with men, without any discrimination, to vote in all elections (article I), to be eligible for election to all publicly elected bodies established by national law (article II), and to hold public office and to exercise all public functions established by national law (article III). Article III was not included without difficulty and, moreover, gave rise to a number of reservations by States Parties to the Convention.

45. Few women today are denied political rights by law but, despite the progress achieved, they are far from enjoying them on an equal basis with men and consequently the access of women to public office remains a high priority. The development of programmes of civic and political education and other

measures to encourage women to participate actively in public life has also been a major concern of the Commission since the beginning.

(b) Women in the United Nations system

46. Access to public office includes the position of women both as representatives of their Governments at international meetings and as members of the secretariats of the organizations that constitute the United Nations system. From early on, the Commission on the Status of Women demonstrated its concern to see more women represented on all United Nations bodies and appointed to policy-making positions in the Secretariat in accordance with the terms of Article 8 of the Charter. It requested and was given statistics on the number of women in the United Nations Secretariat and it made numerous recommendations by which it sought to advance their position and also to eliminate discriminatory provisions in the staff rules and regulations. For the most part its recommendations were not followed up, on the grounds that personnel matters were the prerogative of the Secretary-General and should be handled by the Fifth Committee of the General Assembly. In 1954, the Secretary-General in person addressed the Commission and assured it that under his administration there would be no discrimination against women. 9/ At the same time, the Commission was informed that statistics would no longer be given to it.

47. While the Commission continued to express its concern, it was not until 1970 that it again raised the issue in specific terms. It expressed the hope that the organizations of the United Nations system would set an example with regard to the opportunities they afforded for the employment of women at senior and other professional levels; urged them to ensure equal opportunities for the employment of qualified women in senior and other professional positions; and requested the Secretary-General to include data on women in his reports to the General Assembly on the composition of the Secretariat, including their numbers and the positions occupied. The Economic and Social Council endorsed the Commission's recommendations (resolution 1511 (XLVIII) of 28 May 1970), but two more resolutions were adopted in 1972 and 1974 before the recommendations were acted upon. Subsequently however, especially after International Women's Year and after women themselves began to organize and claim equal rights with men, the issue has been openly discussed. Statistics on women are routinely included in the Secretary-General's reports to the Fifth Committee on the composition of the Secretariat, and a number of other measures have been taken throughout the system intended to improve the situation of women. Nevertheless, equality is still far from being attained and remains an important issue.

(c) Convention on the Nationality of Married Women

48. Early in 1948, even before the Universal Declaration of Human Rights proclaimed the right of everyone to a nationality in its article 15, the Commission on the Status of Women embarked on a series of studies on law and practice relating to nationality. These revealed the existence of conflicts in law affecting the nationality of married women which in some instances imposed serious disabilities on a woman who married a man of a different nationality. She could lose important personal rights where nationality affected rights and duties in private law. Conflicts in laws might also place her in danger of becoming stateless.

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49. In order to regulate these matters, the Commission initiated the Convention on the Nationality of Married Women, which was adopted by the General Assembly in 1957. In articles 1 and 2 of the Convention, the States Parties agree that "neither the celebration nor the dissolution of a marriage between one of its nationals and an alien, nor the change of nationality by the husband during marriage, shall automatically affect the nationality of the wife" and that "neither the voluntary acquisition of the nationality of another State nor the renunciation of its nationality by one of its nationals shall prevent the retention of its nationality by the wife of such national". Article 3 provides that the alien wife of a national may, at her request, acquire the nationality of her husband through specially privileged naturalization procedures. Furthermore, under paragraph 2 of that article, the Convention shall not be construed as affecting any legislation or judicial practice by which the alien wife of one of its nationals may, at her request, acquire her husband's nationality as a matter of right.

(d) Convention and Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

50. The Convention and Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages both seek to establish the principle of free consent to marriage and to prohibit child marriages. They developed from studies undertaken by the Commission on the Status of Women, and also as a result of the preparation of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956. The Conference of Plenipotentiaries convened to approve the Supplementary Convention in fact asked the Economic and Social Council "to consider the appropriateness of initiating a study of marriage with the object of drawing attention to the desirability of free consent of both parties to a marriage and of the establishment of a minimum age for marriage, preferably of not less than fourteen years". The Council decided that the Commission on the Status of Women should undertake such a study (resolution 640 (XXIII) of 25 April 1957).

51. The Convention provides that no marriage shall be legally entered into without the full and free consent of both parties and such consent must be expressed in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses as prescribed by law. A limited exception is provided if the competent authority is satisfied that the circumstances are exceptional and that the party has, before a competent authority and in such manner as may be prescribed by law, expressed and not withdrawn consent (article 1). States Parties undertake to take legislative action to specify a minimum age for marriage (article 2), but no agreement was reached on what that age should be. Proposals ranged from 14 to 18 years and in the absence of any consensus it was decided to leave the matter open to each State Party to prescribe the age. Finally all marriages must be registered in an appropriate official register by the competent authority (article 3).

52. The formal Recommendation, patterned after recommendations adopted by ILO, is in the form of a General Assembly resolution. Its substantive provisions are essentially the same as those of the Convention, except that a minimum age of 15 years is specified and reference to proxy marriage is included. It also includes a reporting system. The Recommendation was intended to provide

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guidelines for Governments who might not be in a position to ratify the Convention. In this case, exceptionally, the legally binding convention was adopted before the Recommendation. It is the only human rights instrument adopted in this particular format.

53. While the Commission adopted many resolutions on women's rights relating to marriage during this period, the Convention and Recommendation are the only formal international instruments it prepared, although both the declaration and convention on the elimination of discrimination against women contain articles on the subject. However, these do not go as far as the Convention and Recommendation in specifying how free consent to marriage should be guaranteed. There have been suggestions from time to time that more instruments are needed to deal specifically with the status of women in private and family law.

(e) Declaration on the Elimination of Discrimination against Women

54. The initiative for drafting this Declaration came from the General Assembly in 1963 (resolution 1921 (XVIII) of 5 December 1963) and not from the Commission on the Status of Women. This was largely because the Commission was not scheduled to meet for two years, and its supporters in the Third Committee believed that a declaration which would combine in a single instrument international standards in all the fields that the Commission had been studying since its inception would be a valuable step in furthering the promotion of equal rights of men and women. The need for such an instrument is stated in the preamble to the Declaration (resolution 2263 (XXII) of 7 November 1967), as follows: "despite the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other instruments of the United Nations and the specialized agencies, and despite the progress made in the matter of equality of rights, there continues to exist considerable discrimination against women".

55. The process of drafting the Declaration proved difficult, even though the General Assembly resolution calling for its preparation had been adopted unanimously; much of the substantive ground was covered in other instruments and resolutions, and the document in question was a declaration and not a legally binding convention. Two Commission sessions were required before the Commission itself could agree on a text to forward to the General Assembly, which did not accept it. The Assembly asked the Commission to review the text in the light of the amendments submitted and of comments by Governments. The Commission completed its review early in 1967 and forwarded a revised text to the General Assembly. In the General Assembly a total of 66 amendments were submitted, but only 11 of those were ultimately incorporated in the final version of the Declaration which the Assembly adopted on 7 November 1967.

56. The substantive articles of the Declaration deal with: political rights (article 4); right to a nationality (article 5); rights under civil law (article 6); discriminatory provisions under penal law (article 7); traffic in women (article 8); educational rights (article 9); and economic rights (article 10). The articles that proved most controversial in both the Commission and the General Assembly were articles 6 and 10, indicating the two areas, marriage and the family, and employment, where the principle of equal rights of men and women is not easily accepted. Despite the difficulties

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experienced in reaching agreement, the General Assembly adopted the final text unanimously.

57. The Declaration constituted an important step forward in the promotion of equal rights of men and women prior to the adoption and entry into force several years later of the Convention on the Elimination of All Forms of Discrimination against Women. For many years it was the yardstick by which the Commission measured progress achieved in the legal and de facto status of women.

(f) Convention on the Elimination of All Forms of Discrimination against Women

58. Before embarking on the drafting of the Convention on the Elimination of All Forms of Discrimination against Women, the Commission on the Status of Women, in 1972, decided to consult Member States on the nature and content of a new instrument or instruments to eliminate discrimination against women since they were by no means unanimous on the need for a general convention at that stage. Some Commission members would have preferred a convention or conventions on specific rights, especially in the area of family law. By 1974, however, in the light of the comments and suggestions received, the Commission agreed that the new instrument should be a general convention and it began the work of drafting. The General Assembly completed and adopted the Convention on 18 December 1979 (resolution 34/180). Its substantive provisions go much beyond the rights set forth in the Declaration (see section H below).

D. Implementation measures

1. Provisions written into conventions

59. The true effectiveness of an international convention lies in the extent to which the States Parties apply its provisions at the national level. Ratification of or accession to the convention by as large a number of States as possible, therefore, is clearly desirable, preferably without any reservations. Measures of implementation of human rights conventions generally refer to both national measures that States Parties take to give effect to the convention's provisions, and international measures and procedures adopted to review and monitor the action taken. Such reviews may be based on a reporting system, and may also include procedures for the investigation of complaints of violations of the convention submitted by States Parties against other States Parties, and by individuals or groups of individuals under conditions regulated by the convention concerned.

60. The international measures of implementation included in United Nations conventions of particular interest to women adopted in the early years differ from convention to convention. Most of them contain provisions governing disputes between States Parties concerning the interpretation or application of the convention. Such disputes, if not settled by negotiation, are to be referred, at the request of any one of the parties to the dispute, to the International Court of Justice for decision unless they agree to another mode of settlement.

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61. The International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Racial Discrimination contain the most far-reaching international implementation provisions of all the human rights conventions adopted during this period. Under the International Covenant on Economic, Social and Cultural Rights, States Parties undertake to take steps "with a view to achieving progressively" the full realization of the rights recognized in the Covenant and a detailed system of reporting to the Economic and Social Council is established (articles 16-25). 10/ States Parties to the International Covenant on Civil and Political Rights, on the other hand, are expected to take steps immediately to ensure the rights recognized in the Covenant to all individuals subject to their jurisdiction. Here provision is made for the establishment of a Human Rights Committee of independent experts, a system of reports to be submitted by States Parties for review by that Committee, which is also authorized to receive and investigate complaints by a State Party that another State Party is violating the Covenant, and the establishment of ad hoc conciliation commissions (articles 28-45). The first Optional Protocol to this Covenant authorizes the Human Rights Committee to receive complaints from individuals. Both Covenants are silent on the question of reservations.

62. The Convention on the Elimination of All Forms of Racial Discrimination contains implementation provisions essentially similar to those of the International Covenant on Civil and Political Rights, except that the Committee on the Elimination of Racial Discrimination is authorized in the Convention itself to receive complaints from individuals and groups of individuals provided that the States Parties declare that they accept the competence of the Committee to do so (article 14).

63. None of the three conventions adopted on the initiative of the Commission on the Status of Women in 1952, 1957 and 1962 have written into them provisions providing for international review, except as regards the settlement of disputes concerning the application or interpretation of the convention. However, reporting systems which do not carry the legally binding effect of convention provisions were established by resolutions of the General Assembly or the Economic and Social Council, as outlined in section 2 below.

64. When these three conventions were adopted, no precedent existed for including implementation provisions in human rights conventions adopted under United Nations auspices, although ILO has always had detailed review procedures under the terms of its constitution and these are applicable to both ILO conventions and formal recommendations. The Convention on the Elimination of All Forms of Racial Discrimination broke new ground in this respect in 1965, followed by the International Covenants the following year.

65. Reservations are permitted to all three conventions. The Convention on the Political Rights of Women specifically allows them in its article VIII. The Convention on the Nationality of Married Women, in its article 8, permits them to substantive articles 3 and 4, but not to articles 1 and 2, while the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages is silent on the issue.

66. Two other conventions of this period of interest to women, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (General Assembly resolution 317 (IV) of 2 December 1949), provide that States Parties shall communicate to the Secretary-General information on the laws, regulations and other steps taken to implement them. 11/ The first Convention prohibits reservations, while the second is silent on the matter.

67. The Convention on the Elimination of All Forms of Discrimination against Women provides for the establishment of a committee of experts to review reports submitted by States Parties. It does not provide for the receipt of complaints of violations either by States Parties or by individuals or groups of individuals. Reservations are permitted provided they are not incompatible with the object and purpose of the Convention (article 28).

68. The human rights conventions adopted in recent years provide for the establishment of a committee of experts to review reports submitted by States Parties. Some authorize these committees to receive complaints from States Parties and from individuals provided the States parties declare that they accept the competence of the Committee to do so.

2. Reporting systems

69. Prior to the adoption of the World Plan of Action in 1975, the Commission on the Status of Women monitored the status of women primarily on the basis of the information contained in factual reports prepared by the Secretariat, which included information furnished by Governments in response to questionnaires, and on the reporting systems in effect with regard to the various international instruments that concerned women.

70. A reporting system with respect to the Convention on the Political Rights of Women was initiated in 1953 when the Economic and Social Council, on the Commission's recommendation, requested States Parties to report to it every two years on the measures taken to implement the Convention (Council resolution 504 E (XVI) of 23 July 1953). In 1963, that invitation was extended to all Member States, whether or not they were parties to the Convention, and detailed information was requested concerning the election of women to the national parliament and appointed to high governmental, judicial or diplomatic posts (Council resolution 961 B (XXXVI) of 12 July 1963).

71. The Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages of 1965 included a reporting system among its other provisions. The General Assembly recommended that Member States should report to the Secretary-General at the end of three years and thereafter at intervals of five years on their law and practice, showing the extent to which effect had been given or was proposed to be given to the provisions of the Recommendation and such modifications as had been found or might be found necessary in adapting or applying it. The Commission on the Status of Women was entrusted with the

task of reviewing those reports and making appropriate recommendations to the Economic and Social Council.

72. No specific invitation was addressed to Governments to report on the measures taken to give effect to the Convention on the Nationality of Married Women of 1957. However, the Secretariat continued to compile information citing changes in legislation affecting nationality, and those reports were reviewed at each Commission session taking into account the provisions of the Convention.

73. In 1956, the Economic and Social Council and the Commission on Human Rights initiated a system of periodic reports on human rights. Governments were invited to submit, every three years, reports based on the rights set forth in the Universal Declaration of Human Rights (Council resolution 624 B (XXII) of 1 August 1956). Prior to the completion and entry into force of the two International Covenants, those reports were important in keeping the Commission on Human Rights informed of developments and the progress achieved. Moreover, the procedure applied to States that were not parties to the Covenants. Any information concerning the status of women was brought to the attention of the Commission on the Status of Women. The procedure was modified several times and in 1965 the Council established a three-year cycle for the submission and review of the reports: information in the first year would concentrate on civil and political rights, in the second on economic, social and cultural rights, and in the third on freedom of information. In its resolution, the Council specifically stated that information concerning the status of women should be brought to the attention of the Commission on the Status of Women, which was invited to inform the Commission on Human Rights of its comments on the material and any recommendations it wished to make (Council resolution 1074 C (XXXIX) of 28 July 1965).

74. In 1968, one year after the adoption of the Declaration on the Elimination of Discrimination against Women, the Economic and Social Council, acting on recommendations of the Commission on the Status of Women, initiated a reporting system on its implementation (Council resolution 1325 (XLIV) of 31 May 1968). It invited Member States, the specialized agencies and non-governmental organizations to inform the Secretary-General of both action taken to comply with the provisions of the Declaration and the steps taken to give publicity to it. It also noted that 1968, proclaimed as International Year for Human Rights, would provide an excellent opportunity to give publicity to the Declaration. Reports were to be submitted to the Commission on the Status of Women at each session.

75. In 1972, in order to reduce the burden on Governments and avoid duplication, the various reporting systems relating to United Nations instruments on the status of women were consolidated into a single system on the implementation of the Declaration on the Elimination of Discrimination against Women. The Commission on the Status of Women recommended to the Council that Member States be asked to report on the relevant instruments according to a four-year cycle divided between civil and political rights and economic, social and cultural rights. The instruments specifically mentioned were the Convention on the Political Rights of Women, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and

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Institutions and Practices Similar to Slavery (no mention is made of the Convention on the Nationality of Married Women or of the Convention and Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages). The reports were to be linked directly to the relevant provisions of the Declaration and to focus on the situation existing in law and in fact, including the discrepancies, if any, between the legal and factual situation and any obstacles that prevented the full implementation of the principles of the Declaration (Council resolution 1677 (LII) of 2 June 1972).

76. After the adoption of the World Plan of Action in 1975, reporting systems were further consolidated and comprehensive procedures were established for the review and appraisal and monitoring of the World Plan and the other recommendations made at the World Conferences held in 1975, 1980 and 1985. The monitoring system currently in place was established following the adoption of the Nairobi Forward-looking Strategies for the Advancement of Women at the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi in 1985. It calls for a quinquennial review and appraisal of the implementation of the Strategies.

3. Communications concerning human rights and the status of women

77. Private individuals, groups, and non-governmental organizations have written to the United Nations since the early days of 1946 and 1947. Many of these communications included allegations of violations of human rights by national authorities. How to handle them has always been a difficult and sensitive issue.

78. The initial procedures for handling such communications, adopted in 1947, reflect the concern of Governments to protect themselves against alleged violations that they feared might be exploited for political purposes. This was especially true at the time of the cold war and the struggle of Non-Self-Governing Territories to attain their independence. A further concern was the protection from persecution of the individual for having complained to the United Nations that his or her rights had been infringed. Confidentiality was considered essential for both those reasons.

79. At their first sessions in 1947, both the Commission on Human Rights and the Commission on the Status of Women set up subcommittees to consider how to handle the communications received. Both recommended technically similar procedures, with one important difference. The report of the subcommittee to the Commission on Human Rights contained the statement: "the Commission has no power to take any action in regard to any complaints regarding human rights". The full Commission on Human Rights endorsed this statement, albeit with the proviso that, in presenting the Commission's report to the Economic and Social Council, the Rapporteur would draw the Council's attention "to the serious gap which results from the absence of this power". The report of the subcommittee set up by the Commission on the Status of Women contained no such statement and its recommendations, while technically similar, 12/ indicate that the Commission intended at least to review the communications received.

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80. Meeting later in 1947, the Council established identical procedures for both Commissions in its resolutions 75 (V) and 76 (V) of 5 August 1947. Both resolutions stated that the Commissions had no power to take any action in regard to any complaints. Confidential lists of communications were to be prepared and furnished to each Commission in private meetings without divulging the identity of the authors unless they authorized it.

81. In 1950, both resolutions were amended to draw a distinction between communications dealing with principles which would be included in a non-confidential list and "other communications" (that is, complaints) which would continue to be handled confidentially. Those changes emanated from the Commission on Human Rights and were endorsed by the Commission on the Status of Women prior to being approved by the Council. 13/

82. Following the adoption of those resolutions, the Secretary-General prepared for each session of the Commission on the Status of Women a non-confidential list summarizing the contents of communications relating to the promotion of women's rights in the political, economic, civil, social and educational fields, and a confidential list summarizing other communications which were submitted to members of the Commission in private meetings without divulging the identity of the authors unless they had authorized it. As instructed, the Secretary-General also informed the writers of communications, where necessary, that the Commission had no power to take any action in regard to any complaint concerning the status of women, and furnished Member States with a copy of any communication which referred explicitly to it without divulging the identity of the author, unless authorized.

83. At each session from 1951 to 1970, the Commission set up a Committee on Communications to review both lists and any government replies received. The Committee's report was circulated to the full Commission at a private meeting. The Commission confined its action to taking note of the Committee's report. Sometimes, under this very limited procedure, Governments on their own initiative investigated the complaint and took action to rectify the situation, but this was rare and in any case Governments did not necessarily report their action to the Commission.

84. In the mean time, beginning in 1966, the General Assembly, the Economic and Social Council and the Commission on Human Rights made several attempts to modify the statement that the Commission on Human Rights has no power to take action with regard to alleged violations of human rights. These resulted in the adoption of the detailed procedure laid down in Council resolution 1503 (XLVIII) of 27 May 1970 for dealing with communications that appeared to reveal "a consistent pattern of gross and reliably attested violations of human rights". The Council entrusted the Subcommission on Prevention of Discrimination and Protection of Minorities, a working group to be appointed by it, and the Commission on Human Rights with the task of reviewing all communications received and determining which of them merited further investigation in accordance with the terms of the resolution.

85. What has become known as the "1503 procedure" does not apply to individual cases but only to situations that affect a large number of people over a protracted period of time. Complaints of alleged violations of rights by

individuals may be handled under the Optional Protocol to the International Covenant on Civil and Political Rights if the State complained against is a party to the Optional Protocol, and the alleged violation is covered by the terms of the Covenant, or under the other human rights conventions that allow for the receipt of complaints from individuals.

86. The Commission on the Status of Women was not involved in the development of this new procedure or in its implementation. All violations of human rights, including women's rights, however, would be within the competence of the bodies charged with carrying out the "1503 procedure", provided a consistent pattern of gross and reliably attested violations of rights were revealed.

87. When these changes were made, both the Council and the Commission on Human Rights had overlooked the fact that up to that time the two Commissions had carried out identical procedures for handling communications. The Commission on the Status of Women was meeting only biennially and, as it happened, no communications concerning the status of women were received in 1970 and 1972. It was therefore only at its session in 1974 that the Commission took up the issue. The Secretariat drew its attention to the fact that in adopting resolution 1503 (XLVIII) the Council had overlooked the implications of that procedure as far as the status of women and the Commission were concerned. Views were sharply divided on the action to be taken. Nevertheless, the majority accepted by a vote of 11 to 5, with 10 abstentions, a proposal by the representative of the Union of Soviet Socialist Republics that in the future communications relating to the status of women should be considered in accordance with resolution 1503 (XLVIII) and the item be deleted from its agenda. This proposal was adopted, even though the "1503 procedure" applied to only a limited category of alleged violations.

88. In 1975, after reviewing a report by the Secretary-General which described all the various procedures for dealing with communications (E/5628), the Council asked the Commission to review its decision and to consider the advisability of continuing to deal with communications concerning the status of women in the light of the information given in the report and the Council's own discussions (Council decision 86 (LVIII) of 6 May 1975). Council members emphasized that to delete the item from the Commission's agenda would be a retrograde step, especially in 1975, which had been proclaimed International Women's Year.

89. When the Commission met in 1976, opinions were again sharply divided. Some argued for retaining the item, since they considered that communications were an important source of information and they also believed that the Commission had an obligation to review alleged violations of women's rights. Others were of the view that all human rights violations should be considered together, and in any case the Commission already had a very heavy workload during the United Nations Decade for Women. In its recommendations to the Council, the Commission decided to retain the consideration of communications as part of its work programme and asked the Secretary-General to continue to prepare confidential and non-confidential lists in accordance with Council resolution 76 (V) as amended by 304 I (XI) of 14 and 17 July 1950. It also decided to set up an ad hoc working group to meet during sessions of the Commission to review the communications for the purpose of studying information helpful to the Commission in fulfilling its terms of reference under Council resolution 48 (IV).

90. At that stage, therefore, the Commission preferred to leave to other human rights bodies the application of the "1503 procedure" for dealing with communications that revealed a consistent pattern of gross violations of women's rights. Subsequent attempts to amend the procedure in the 1980s have not changed it substantially. Since the Convention on the Elimination of All Forms of Discrimination against Women does not contain any provision for the receipt of complaints by States or by individuals, neither the Commission itself nor the Committee established under the Convention is empowered to deal with alleged violations of women's rights: nor is either represented when alleged violations are considered by the human rights bodies concerned.

4. Situations of special concern

91. In some instances, the Commission on the Status of Women has been instrumental in drawing attention to the plight of women facing particular situations of hardship and suffering other than those arising as a result of poverty and adverse economic conditions, and it has urged that action be taken to assist them.

92. In the early years, two such cases arose in the aftermath of the Second World War. In 1950, the Commission, supported by the Economic and Social Council, appealed to the General Assembly to assist Greek mothers whose children, deported during the war, had not been returned. The General Assembly responded to that request and to reports submitted by the International Committee of the Red Cross and the League of Red Cross Societies by addressing appeals to all concerned and establishing a standing committee to work with the Secretary-General, the Committee and the League, and it kept the matter on its own agenda (General Assembly resolution 382 C (V) of 1 December 1950).

93. In 1950 also, the Commission drew the attention of the Council to the tragic fate of women survivors of scientific experiments in Nazi concentration camps during the war years. The Council noted that all survivors of concentration camps, men and women, had suffered a tragic fate and asked the Secretary-General to consider with the competent authorities means of alleviating the plight of all such victims. Thus the first steps were taken which led to the legislation subsequently enacted by the Federal Republic of Germany to provide for reparations for the victims of concentration camps. Many subsequent claims were processed by the Secretariat (Council resolutions 305 (XI) of 14 July 1950, 353 (XII) of 19 March 1951 and 386 (XIII) of 15 September 1951).

94. Certain traditional practices harmful to the health and well-being of women came to the Commission's attention as a result of its studies of the situation of women in Trust and Non Self-Governing Territories and of the rights of women in relation to marriage. In 1952, at the instigation of the Commission, the Council invited all States, including those that had responsibility for the administration of Trust and Non-Self-Governing Territories "to take immediately all necessary measures with a view to abolishing progressively ... all customs which violate the physical integrity of women, and which thereby violate the dignity and worth of the human person as proclaimed in the Charter and in the Universal Declaration of Human Rights" (Council resolution 445 C (XIV) of

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28 May 1952). A similar resolution was adopted two years later (resolution 547 H (XVIII) of 12 July 1954). In 1958, in the context of its studies relating to marriage, the Commission, in a closed meeting, discussed the question of "ritual operations" and requested WHO to undertake a study "of the persistence of customs which subject girls to ritual operations, and of the measures adopted or planned for putting a stop to such practices". The Council endorsed that request (resolution 680 B (XXVI) of 10 July 1958).

95. WHO, however, replied that such practices were social and cultural rather than medical in nature and therefore outside its competence. The World Health Assembly of 1959 authorized the Director General to provide any information of a medical character to any other organization that might be invited to undertake such a study. At its session in 1960, the Commission again discussed the question as part of its study of questions relating to marriage. It recommended that the Council invite WHO, the United Nations Children's Fund (UNICEF), UNESCO and ILO to bear in mind, in the planning of their programmes and activities, the need for a concerted action against the continuance of the practice of ritual operations. The Council did not endorse this request but expressed the hope that the Governments concerned would continue and accelerate their efforts with a view to the complete abolition of all such practices - now called "operations based on customs" - and for this purpose take advantage of all appropriate services of the United Nations and of the specialized agencies which they consider would assist to this end (resolution 771 D (XXX) of 25 July 1960).

96. When the Commission returned to the subject in 1961, it was after the African women, at a seminar held in Addis Ababa in December 1960, had firmly expressed the wish to see those practices discontinued. Endorsing the Commission's recommendation, the Council asked WHO to inform it whether the agency "deems it possible to meet the wishes clearly expressed by African women by undertaking a study of the medical aspects of operations based on customs to which many women are still being subjected" (resolution 821 II (XXXII) of 19 July 1961). Again WHO declined, stating that a study of the medical aspects of the subject could not be undertaken in isolation but must be related to the cultural and socio-economic background of the countries concerned (E/3592).

97. The World Health Assembly held in International Women's Year in 1975 took up the issue and a seminar was organized in the Sudan in 1979, but the Commission itself did not consider the question during those years, and subsequent action in the 1980s passed to the Subcommission on the Prevention of Discrimination and Protection of Minorities and the Commission on Human rights under the heading of "Traditional practices affecting the health of women and children".

98. Beginning in 1969, the Commission focused its attention on the protection of women and children in emergency and armed conflict, paralleling studies of human rights in armed conflict which the Commission on Human Rights and the International Committee of the Red Cross were undertaking at the request of the General Assembly in order to update existing conventions.

99. The Commission on the Status of Women approached the topic from two angles: the protection of women and children under humanitarian law as defined at that time, and the condition of women and children in particular situations of

emergency and armed conflict. The item under which it took up the question from 1969 to 1974 was entitled: "The protection of women and children in the struggle for peace, self-determination, national liberation and independence". In view of its political nature, the opinions expressed in the Commission, though divided, were also guarded and for the most part members avoided mention of specific cases. Some objected to singling out women for special mention and special protection, believing that they should be included among all civilians in need of protection. They also argued that increasingly women were combatants in situations of armed conflict. The majority disagreed, and emphasized that women and children were the most vulnerable members of the population and as such were entitled to special protection. The information which the Secretary-General was called upon to give the Commission was, by decision of the Economic and Social Council, restricted to that "available from the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the United Nations Children's Fund and the International Committee of the Red Cross, as well as from any other appropriate United Nations bodies" (resolution 1515 (XLVIII) of 28 May 1970).

100. The result of the Commission's consideration of this item led to the preparation and ultimately adoption by the General Assembly of the Declaration on the Protection of Women and Children in Emergency and Armed Conflict (resolution 3318 (XXIX) of 14 December 1974). In this Declaration, the General Assembly called upon all States to spare women and children from the ravages of war and to prohibit "persecution, torture, punitive measures, degrading treatment and violence" particularly against women and children. It also stated that women and children "shall not be deprived of shelter, food, medical aid or other inalienable rights". Surprisingly, it did not mention rape in specific terms.

E. Evolution of a unified long-term programme for the advancement of women

101. The 1960s and 1970s saw a rapid increase in the membership of the United Nations and growing concern for the problems of the third world. It was also a period when the United Nations bodies concerned with development issues began to place greater emphasis on balanced economic and social development and on the human factor. These changes had a marked impact on programmes affecting women.

102. The Commission on the Status of Women began to concentrate at that time on the implementation of the recommendations it had made, recognizing that there was a wide discrepancy between the legal and de facto situation of women. It began to focus more on the role of women and the causes of discrimination against them. It also became increasingly concerned about the situation of women in developing countries. While continuing to pursue legal studies and the preparation and implementation of international instruments, the Commission extended its field of inquiry to such topics as community development, rural development, agricultural workers, family planning, the mass media depiction of women, the impact of scientific and technological advances on women, and, more especially, the expansion of assistance to help women in developing countries. The term "advancement of women" gradually replaced "status of women".

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103. The seeds of what later became known as "women in development" were sown in 1962, not in the Commission itself but in the General Assembly, which called for a study of "the possibility of providing and developing new resources aimed especially at the initiation and implementation of a unified long-term United Nations programme for the advancement of women" (resolution 1777 (XVII) of 7 December 1962). The study was to focus especially on expanding the assistance available through technical assistance and advisory services programmes in human rights and social welfare for the advancement of women in developing countries. The General Assembly called on Member States, the specialized agencies, UNICEF and non-governmental organizations, as well as the Commission on the Status of Women, to cooperate with the Secretary-General in undertaking the study.

104. From its inception in 1947, the Commission had frequently urged Governments to make greater use of technical assistance programmes for women, but that had largely fallen on deaf ears except as regards the advisory services programme in human rights and to a lesser extent the advisory social welfare services programme, certain UNICEF projects and projects undertaken by some of the specialized agencies. The United Nations Development Programme (UNDP) and the regional commissions became involved only later. The Economic Commission for Africa was the first to consider a programme to help African women.

105. The human rights advisory services programme was initiated in 1956 under General Assembly resolution 926 (X) of 14 December 1955, which emanated from the Commission on Human Rights, 14/ and it evolved differently from other technical assistance programmes. It was based on the concept of the exchange of knowledge and experience, and sharing of problems and ways of solving them. Funded under the regular budget of the United Nations, it provided for three main types of assistance given at the request of Governments: the provision of experts; the organization of regional and interregional seminars; and the award of fellowships. The main emphasis in the early years was on the organization of seminars. Few requests were received for experts, and not many women were nominated for fellowships, although some were awarded to women. This programme was the only one of its kind at that time specifically concerned with women. It provided an excellent opportunity for women within a region to meet each other, share experience and exchange views and ideas of how to solve similar problems. It was especially valuable at a time when the regional commissions were not devoting much attention to the advancement of women. It was part of the overall human rights programme and the limited funds available allowed for approximately one out of three seminars a year to be devoted specifically to women's issues during the period 1957-1977. 15/

106. The Secretary-General's study prepared in response to General Assembly resolution 1777 (XVII) concluded that most technical assistance programmes, with the exception of the human rights advisory services programme, were based on national development plans. While women might benefit indirectly from improved economic and social conditions in a country, although that was by no means always the case, projects designed specifically to assist them would largely depend on the priority they received within the country's overall national development plan.

107. The next major step in the development of a unified long-term programme for the advancement of women, therefore, came in 1966 when the Council, following up

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on the review of the Secretary-General's study by the Commission on the Status of Women, called for the preparation of a questionnaire to seek the views of Governments and non-governmental organizations on "the role which women can play in the economic and social development of their countries, the degrees of priority which should be given to the contribution of women to the various areas of national economic and social development, the problems encountered in those areas, possible ways of surmounting those problems and the kind of assistance that might be required" (resolution 1133 (XLI) of 26 July 1966).

108. In a separate resolution, the Council requested the specialized agencies, UNICEF and UNDP, as well as the non-governmental organizations, to cooperate in the development of a unified long-term programme for the advancement of women. The seeds of what has since become known as the United Nations Development Fund for Women (UNIFEM) were also sown at this time. The Secretary-General was asked to initiate preliminary studies on "the possibility of supplementing the action to be taken by the United Nations technical cooperation and development authorities towards the development of the unified long-term programme for the advancement of women by establishing a fund, to which industrial and business concerns, non-governmental organizations, foundations and individuals might be invited to contribute, and which might be used to assist Governments in implementing their national programmes for the advancement of women" (resolution 1134 (XLI) of 26 July 1966).

109. In yet a third resolution of that session, the Council linked the advancement of women directly to 1968, proclaimed as the International Year for Human Rights, and to the Conference to be held at Tehran during that year. It deemed it essential that the topic of "women's rights in the modern world" should feature in the programme for the Year and in the agenda of the Conference. It considered that the initiation of the unified long-term programme for the advancement of women should be an important feature of the Year, and that the standards elaborated in the Declaration on the Elimination of Discrimination against Women should provide major goals for the Year.

110. The International Conference on Human Rights held at Tehran from 22 April to 13 May 1968 was a further important step forward for women. As requested, the Conference included in its agenda an item entitled: "Measures to promote women's rights in the modern world, including a unified long-term United Nations programme for the advancement of women". The Conference adopted a comprehensive resolution based on a draft which the women representatives who were attending the Conference had drawn up at informal meetings. In that resolution, the Conference endorsed the basic objectives of the unified long-term programme originally proposed by the Secretary-General and recommended measures aimed at achieving them.

111. The year 1968 was designated International Year for Human Rights to mark the twentieth anniversary of the adoption of the Universal Declaration of Human Rights. Twenty-five years after the Tehran Conference, the United Nations convened a second World Conference on Human Rights, which was held at Vienna in June 1993. In the preparatory process of the Conference, non-governmental organizations and women's groups highlighted what was perceived as the historic neglect of women's human rights and of human rights violations against women by the general human rights regime. This concern was taken up by Governments and,

as a result, the Vienna Declaration and Programme of Action paid unprecedented attention to the need for integrating women's human rights throughout United Nations human rights activities, and for addressing gender-specific human rights violations.

112. Discussions in the Commission on the Status of Women, the Economic and Social Council and the General Assembly, as well as the results of the International Conference on Human Rights at Tehran, made it clear that a unified long-term programme for the advancement of women should not be limited to the extension of technical assistance to women in developing countries, although that was and would remain an important element. The basic objective was the establishment of a programme of concerted international action in which the United Nations system as a whole would participate in order to improve the situation of women and increase their effective participation in all sectors of national and international life without discrimination.

113. Those discussions also made it clear that, with regard to development issues, the Commission on the Status of Women had up to that point been working largely in isolation and consequently many of its recommendations had not proved effective. A priority concern must be to integrate women into national development plans. The establishment of some form of national machinery, such as a national commission or the appointment of an expert body, was considered important as a first step to ensure that women's needs and concerns were not overlooked at the national level. Government replies to the questionnaire circulated in 1966 had recognized that because women had lagged so far behind for so long in many countries, special measures of assistance would be needed for an interim, as yet undefined, period.

114. By 1970 the "unified long-term programme for the advancement of women" had been renamed the "programme of concerted international action for the advancement of women". That year marked a further step forward in its evolution. The International Development Strategy for the Second United Nations Development Decade, elaborated in General Assembly resolution 2626 (XXV), of 24 October 1970, for the first time specifically mentioned women, and included among the goals and objectives of the Decade the encouragement of "the full integration of women in the total development effort". That resolution emanated from the General Assembly's Second Committee.

115. At the same session, the Third Committee also adopted an important resolution based on recommendations of the Commission on the Status of Women, in which it set forth objectives and targets to be achieved as widely as possible during the decade of the 1970s. The General Assembly recommended that high-level regional and international meetings be held "to consider ways and means of promoting the status of women within the framework of overall development" (resolution 2716 (XXV) of 15 December 1970). Nine general objectives were proclaimed, together with minimum targets relating to education, training and employment, health and maternity protection, and administration and public life.

116. Following up on those two resolutions, in June 1972 the Secretary-General convened an interregional meeting of experts under the auspices of both the Commission for Social Development and the Commission on the Status of Women. The meeting was important in that it brought together for the first time experts

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on questions of development and on women's issues. 16/ It made a number of recommendations, including suggestions on: rural training and modernization combined with land reforms; integrated programmes for women in small-scale businesses; coordinated programmes of training, and vocational guidance; and the creation of job opportunities for women. It also emphasized the role of the regional commissions, citing especially the programmes which the Economic Commission for Africa had initiated. 17/

117. The proclamation of 1975 as International Women's Year and the preparations for the World Conference to be held in Mexico City would carry those developments further under the central theme of equality, development and peace.

F. International Women's Year and the launching of the United Nations Decade for Women

118. Events leading up to and during 1975 marked the beginning of a new commitment by the United Nations system as a whole to work for the advancement of women. The success of International Women's Year exceeded expectations and the publicity and widespread interest it engendered helped to win recognition of the fact that women's rights and issues of concern to them were not isolated matters of interest to women only, but were important to society as a whole. United Nations bodies dealing with development issues found that the low status of women was significant as both a cause and an effect of underdevelopment, and was closely related to such world problems as poverty, overpopulation, illiteracy, migration and urbanization, food shortages, malnutrition and poor health conditions. The recommendations of the World Conferences on Population and on Food held in 1974, which for the first time made specific reference to women, reflected the beginning of a change in attitude by such bodies.

119. It was in 1972 that the Commission on the Status of Women decided to recommend to the Council and to the General Assembly the proclamation of 1975 as International Women's Year, to be devoted to intensified action to promote equality between men and women and to increase women's contribution to national and international development. The General Assembly added a third objective, namely, intensified action to recognize the importance of women's increasing contribution to the development of friendly relations and cooperation among States and to the strengthening of world peace. The sponsors of that addition 18/ emphasized that two major problems facing the world were the maintenance of peace and disarmament and that women should not stand on the sidelines on such crucial issues but should be encouraged to play an important part in finding much-needed solutions.

120. In 1972, therefore, the threefold theme, "Equality, development and peace", was born and it remained the central theme for the advancement of women throughout the United Nations Decade for Women and beyond.

121. When the Commission on the Status of Women next met in January 1974, it reviewed and amended a draft programme for International Women's Year prepared by the Secretariat which elaborated on the theme "Equality, development and peace", and made detailed suggestions for national, regional and international action in celebration of the Year. There was much discussion of whether or not

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there should be an international conference as the focal point of the observance of the Year. 19/ The proposal, though controversial, was finally adopted. Objections were raised, partly for financial reasons but mainly on political grounds. The Women's International Democratic Federation, which had been instrumental in proposing International Women's Year, was planning its own conference in Berlin in 1975 and its supporters in the Commission were reluctant to agree to a United Nations conference that might detract from that meeting. An invitation from Colombia to act as host to the proposed conference ensured its acceptance by the Commission. Subsequently, however, after the session of the Commission, the Government of Colombia was obliged to withdraw its invitation, and later in the year Mexico came forward in its place.

122. Since there was no provision in the budget for funding the conference, the Commission proposed that it be paid for by "a reordering of priorities from within available resources". It also recommended the establishment of a fund for voluntary contributions for International Women's Year to which Member States, intergovernmental and non-governmental organizations, private foundations and interested individuals could contribute.

123. Reviewing the Commission's recommendations in May 1974, the Council endorsed the programme for International Women's Year, established the voluntary fund, and requested the Secretary-General to convene the Conference. Substantive support was to be provided "from within available resources" (Council resolutions 1849 (LVI),1850 (LVI) and 1851 (LVI) of 16 May 1974).

124. The Council's definition of the purpose of the Conference, which differed slightly from that proposed by the Commission, 20/ and also added a reference to racism and racial discrimination, was to examine:

> to what extent the organizations of the United Nations system have implemented the recommendations for the elimination of discrimination against women made by the Commission on the Status of Women since its establishment, and to launch an international action programme including short-term and long-term measures aimed at achieving the integration of women as full and equal partners with men in the total development effort and eliminating discrimination on grounds of sex, and at achieving the widest involvement of women in strengthening international peace and eliminating racism and racial discrimination. (Council resolution 1851 (LVI), para. 1)

The Council also recommended that the General Assembly include an item on International Women's Year, and examine proposals concerning the conference at its session later in 1974.

125. Although it was instrumental in initiating the proclamation of International Women's Year and the convening of the Conference, the Commission on the Status of Women itself played no further part in the preparatory work, since it was not scheduled to meet again until 1976.

126. A minimum of time and money were available for the preparation of the Conference, which took place in Mexico City from 19 June to 2 July 1975. No preparatory committee as such was established. However, a number of meetings

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were organized in 1974 and early 1975 with funds available under the human rights advisory services programme and funds donated by the United Nations Population Fund (UNFPA), and those provided inputs, including the elaboration of regional plans of action, to the substantive preparation of the Conference. 21/

127. At its session in 1974, the General Assembly requested the Secretary-General to prepare a draft international plan of action and it set up a 23-member consultative committee to advise on its preparation. The meeting of the committee, to be held not later than March 1975 and not to exceed 10 working days, was to be funded by the voluntary fund established by the Council in its resolution 1850 (LVI). Those and other guidelines for the Conference were adopted on Human Rights Day, 10 December 1974, leaving approximately six months to carry them out.

128. The Consultative Committee met in March 1975 and, according to its limited mandate, reviewed and suggested revisions to the initial draft of the world plan of action prepared by the Secretariat. It was then revised to take account of the Committee's recommendations and submitted to the Conference along with the other documentation required.

129. At that first world conference on women, the World Conference of the International Women's Year, 133 States, 15 United Nations bodies and specialized agencies, 9 offices of the Secretariat, 7 national liberation movements, the Commission on Human Rights, 8 intergovernmental organizations and 114 non-governmental organizations in consultative status with the Council were represented. An even larger number of persons attended the parallel Non-Governmental Organization Tribune.

130. Many amendments to the draft world plan of action were submitted and time permitted the Conference itself to review only two sections: the introduction, stating general principles, and chapter I, on national action. It decided without a vote to adopt those two sections as revised in working groups set up at the Conference, and chapters II to VI as submitted to the Conference. Those chapters covered: specific areas for national action; research, data collection and analysis; mass communication media; international and regional action; and review and appraisal.

131. The World Plan of Action for the Implementation of the Objectives of the International Women's Year provided guidelines for a 10-year period from 1975 to 1985. It emphasized national action, but left it to each country to decide on its own national strategy and to identify its own targets and priorities within the World Plan. It set minimum targets to be achieved at the midpoint of the decade. The specific areas for national action were: international cooperation and strengthening of international peace; political participation; education and training; employment and related economic roles of women; health and education; the family in modern society; population; housing and related facilities; and other social questions, which included social services, problems of migrant women, elderly women, female criminality and rehabilitation of offenders, and measures to combat prostitution and traffic in women.

132. The Plan also contained an important section on research, data collection and analysis and pointed out the existing deficiencies in data collection on

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women. It emphasized the importance of the mass communication media in influencing attitudes towards women and their role in society. It contained specific suggestions for regional and international action, and urged organizations of the United Nations system to take joint and separate action to improve the situation of women, both as a means of achieving social progress and development and as an end in itself. Finally, it provided for the periodic review and appraisal of the recommendations set forth, linking that to the review and appraisal of the Strategy for the Second Decade. It was a blueprint for the future.

133. The World Plan of Action, together with the Declaration of Mexico on the Equality of Women and their Contribution to Development and Peace, the regional plans for Asia, Africa, and Latin America and a large number of resolutions on a variety of topics were the formal results of the Conference. On 15 December 1975 the General Assembly, in addition to expressing its appreciation to the Government of Mexico, adopted six resolutions based on the results of the Conference (resolutions 3519 to 3524 (XXX)). Among its many other recommendations, the Assembly proclaimed the period 1976-1985 the United Nations Decade for Women to be devoted to the implementation of the World Plan and related resolutions of the Conference and it called on all concerned, Governments, organizations of the United Nations system, intergovernmental organizations and non-governmental organizations, to take all possible steps to implement the World Plan and related resolutions.

134. When the Commission on the Status of Women met in 1976 and assessed the results of International Women's Year and the Conference which it had initiated, it concentrated especially on two main items: the preparation of the convention on the elimination of discrimination against women, and the elaboration of a programme of action for the first half of the United Nations Decade for Women.

135. Despite the difficult political climate surrounding the Conference and the parallel Non-Governmental Organization Tribune, a new course was set in Mexico for United Nations work for the advancement of women and the elimination of discrimination against them. The threefold theme of "equality, development and peace", the events of International Women's Year and the Conference in Mexico reflected and expanded on the long-standing concerns and work of the Commission on the Status of Women. The activities initiated during International Women's Year and the plans for the United Nations Decade for Women, however, go much beyond the activities of any single United Nations body and henceforth the United Nations system as a whole became actively involved in programmes to improve the situation of women. New institutions were created, such as the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW) and later, after a sufficiently large number of States had become parties to the Convention on the Elimination of All Forms of Discrimination against Women, the Committee to monitor implementation of the Convention was established. All the regional commissions developed their own programmes. UNDP paid increasing attention to the inclusion of women in its many projects, often assisted by seed money made available through UNIFEM. This fund expanded and became an integral part of UNDP.

136. At the same time, the events of 1975 also laid the groundwork of a new role for the Commission on the Status of Women: to act as a catalyst within the

United Nations system, in addition to developing its own programmes, in order to maintain the momentum generated by those events, and to monitor and keep under constant review the progress achieved in ensuring women full enjoyment of equal rights with men in all fields of human endeavour.

G. The preparation of the Convention on the Elimination of All Forms of Discrimination against Women

137. The Mexico Conference had called for the elaboration of a convention on the elimination of discrimination against women, which should ensure in practice the full equality between men and women in all fields, including participation in political activities, general and vocational education, employment, equal pay, health services, social security and family, and in civil and legal relations. Thus, the conclusion of the work of preparing a convention was one of two major tasks before the Commission on the Status of Women at its twenty-sixth session in 1976, the second being the elaboration of the programme of action for the first half of the United Nations Decade for Women.

138. Work on an instrument (or instruments) of international law to eliminate discrimination against women had started in the Commission in 1974, after agreement to proceed had been reached in the Commission in 1972. By 1976, based on comments received from Governments, specialized agencies and non-governmental organizations and reports prepared thereon by the Secretary-General, the Commission had gone through a detailed first round of discussion concerning the substantive content of that new instrument, its implementation mechanism, and other provisions that were deemed desirable for inclusion.

139. In 1974, the Commission took the decision, by a vote of 22 to none with 4 abstentions, that a single comprehensive convention would be prepared without prejudice to the preparation of any future instrument or instruments which might be elaborated either by the United Nations or by its specialized agencies dealing with discrimination in specific fields. The draft which ensued from a working group of the Commission was circulated to Governments for comments. It consisted of a preamble, a section on general provisions, including a definition of discrimination against women, three substantive sections on political rights, social and economic rights, civil and family rights, and a section on final provisions.

140. The proposal to include an article on reservations was put forward and accepted in 1976. In so doing, the Commission followed the precedent established by the Convention on the Elimination of All Forms of Racial Discrimination.

141. The draft circulated to Governments reflected the decision taken by the working group that it would not vote on any of the articles. As a consequence, whenever the working group had not reached consensus and alternative texts had been proposed, or recommendations or reservations made, that was reflected in connection with the relevant draft articles. It should be noted that that procedure was followed by the working group throughout its existence, first in the Commission (in 1974) and after that in the Third Committee of the General Assembly (in 1977, 1978, and 1979). In each instance, the provision in question

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was transmitted for further action to the parent body, reflecting that lack of consensus.

142. Based on the replies received from 40 Governments, 4 specialized agencies and 10 non-governmental organizations and further extensive discussion at the twenty-sixth session, the Commission on the Status of Women was able to conclude its efforts. In adopting its draft, the Commission voted on several articles, including what later became article 9 (2), and article 16 of the Convention. Numerous amendments to articles were rejected by vote, or were included by vote. Opinions were sharply divided with regard to the implementation mechanism to be set up to monitor compliance with the convention. The compromise draft article resulting from extensive negotiations was adopted without a vote, although several of its paragraphs had been voted upon. Several Member States expressed their reservations with regard to the adopted text.

143. The draft convention as a whole was adopted by the Commission without a vote on 17 December 1976, and subsequently submitted to the Economic and Social Council for adoption by the General Assembly.

144. No discussion on the draft took place in the Council. Instead, the draft was circulated once again to Member States inviting their early comments on the draft which, together with a report of the Secretary-General analysing the comments received, was submitted to the General Assembly at its thirty-second session "with a view to the adoption of the Convention at that session" (Council resolution 2058 (LXII) of 12 May 1977).

145. With the submission of the Commission's text to the Council and the General Assembly, the substantive thrust of the future convention had largely been established. The negotiations in the working group of the Third Committee tightened and sharpened the content, deleted or consolidated certain redundancies, and broadened some articles, as well as certain preambular provisions.

146. The implementation procedures and supervisory mechanism put forward by the Commission on the Status of Women underwent major changes. The Commission's proposal had envisaged that the Commission would establish an ad hoc group consisting of 10 to 15 persons, elected by the Commission from among its own members who were States Parties to the convention, and from an additional list of persons nominated by States who were parties to the convention but not members of the Commission. The ad hoc character of that body was modelled after the mechanism established under the Convention on the Suppression and Punishment of the Crime of Apartheid, in which the Chairman of the Commission on Human Rights appoints three members to meet either just before or after the session of the Commission on Human Rights to consider reports submitted in accordance with the provisions of the Convention.

147. The Commission's draft would have had States Parties submit reports in stages, every two years, in accordance with a work programme that would have been established by the ad hoc group. The provision specified that the group would normally meet for a period of not more than two weeks before the opening of the regular session of the Commission to consider the reports. The two-week

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duration for the session of the monitoring body was retained, and is now seen as a serious impediment in the performance of its duties under the Convention.

148. On the basis of the draft submitted to it and of further comments received from Member States, the General Assembly agreed, inter alia, to the following changes: a separate article on the repeal of discriminatory penal code provisions was merged into article 2; an article 8, on women's participation in the work of international organizations, was added; article 11 was changed from ensuring equal rights in economic and social life to elimination of discrimination in the field of employment; article 12, on health care, was formulated as a separate article; the article on rural women was broadened; a provision on the elimination of discrimination against single parents and reference to the principles contained in the Declaration on the Rights of the Child were eliminated.

149. Extensive discussions took place with regard to the monitoring machinery, but the principle that there would be some kind of supervision with regard to the implementation of the Convention had already been established by the Commission on the Status of Women. The issues under discussion centred on whether the Commission itself, an ad hoc committee of the Commission, or a separate body should be entrusted with monitoring the implementation of the Convention. After lengthy debate, agreement was reached on the establishment of an independent expert body to monitor implementation. Furthermore, while the reporting procedure itself was not in doubt, the General Assembly reviewed its periodicity and content. Additional procedures, such as inter-State and individual complaints procedures, were considered for possible inclusion in the Convention, but were ultimately rejected.

150. A working group of the Third Committee of the General Assembly held a total of 12 meetings in 1977, and 21 meetings in 1978, finalizing its work on all but the implementation mechanism, the reservations article and the preamble.

151. In 1979, the working group submitted its completed draft to the Third Committee. In introducing the report, the chairperson of the working group informed the Committee that, since it had been impossible to reach agreement on certain provisions, that is, on implementation, all the Third Committee needed to do was to vote on the alternatives provided. Several delegations also submitted last-minute substantive amendments concerning the preamble, and articles 5, 6, 9 and 16, but most of them were rejected in recorded votes. The provision on the implementation machinery was adopted by a non-recorded vote of 98 in favour, 1 against, and 12 abstentions.

152. While the Committee was attempting to finish its work on the draft with a view to adopting the convention at that session, a number of Member States believed that the adoption of the convention should be postponed to 1980 and Governments should be given another opportunity to comment on a draft. Some delegations suggested that too much haste had been used in finalizing the work, elements extraneous to the issue had been included in the convention, and a certain imbalance with regard to different legal systems was also noted. An awareness of those imperfections of the convention led to the suggestion that even if the convention were to come into force, it was likely that it would be accompanied by so many reservations that it would be of doubtful value. The

suggestion was made that the draft be sent to the Sixth (Legal) Committee of the General Assembly in 1980 for review.

153. On the opposite side, delegations argued that Governments had had the opportunity to comment on two different drafts, and the Third Committee had done its utmost to prepare a satisfactory text. It was feared that a postponement would be used for endless delays. It was argued that since the convention was one which would be open for signature and ratification with the possibility of reservations, Governments would have an opportunity to review their national legislation at that point; if a Government was not happy with the text of the convention, reservations could be entered upon ratification. At least one delegation stated that its Government intended to do just that.

154. The call for a postponement was defeated, and the convention as a whole was adopted by the General Assembly on 18 December 1979 by a vote of 130-0-11. Votes on separate articles had been requested on the tenth and eleventh preambular paragraphs (108-0-26), on article 9(2) (92-13-28), and article 16(1)(c) (104-0-32). In adopting the resolution, the Assembly expressed the hope that the Convention would come into force at an early date, and requested the Secretary-General to present the text of the Convention to the World Conference of the United Nations Decade for Women for information.

155. As had been requested by the Council early in 1980, a special signing ceremony for the Convention was arranged during the Copenhagen Conference. The ceremony took place on 17 July 1980; a total of 64 States signed during the ceremony, and 2 States also submitted their instruments of ratification. The Convention on the Elimination of All Forms of Discrimination against Women entered into force on 3 September 1981, in accordance with its article 27(1).

156. The first meeting of the States Parties to the Convention was convened on 16 April 1982 for the purpose of electing the members of the Committee on the Elimination of Discrimination against Women. The work of the Committee to monitor implementation of the Convention in the States Parties is described in chapter II; the articles of the Convention and the Committee's approach to their implementation, and - through the adoption of general recommendations - the understanding of the normative content of the rights contained in the Convention in the light of the experience gathered from the reports of States Parties, are discussed in chapter III.

H. Recent developments

157. With the adoption and subsequent entry into force of the Convention, United Nations efforts to codify international legal standards and norms for the advancement of women had reached their climax. Since then, the Declaration on the Elimination of Violence against Women, which was adopted by the General Assembly in December 1993 (resolution 48/104 of 20 December 1993), constitutes the major normative addition to the progressive development of international human rights law with special significance for women. The appointment of a Special Rapporteur on violence against women, including its causes and its consequences, by the Commission on Human Rights in 1994 has been greeted with enthusiasm. The Special Rapporteur is expected to make a strong impact in the

global effort towards the elimination and prevention of this most pervasive obstacle to women's enjoyment of their rights.

158. Over the years, it has been noted that the availability of an individual complaints procedure under the Convention could strengthen the realization of women's rights under the Convention, and contribute to the understanding of the normative content of the articles of the Convention and the development of its jurisprudence. Following a relevant recommendation by the World Conference on Human Rights, which was warmly supported by women's human rights activists, the Commission has decided to examine, in cooperation with the Committee, the feasibility of introducing the right to petition under the Convention. In the aftermath of the Conference held at Nairobi in 1985, the Commission on the Status of Women has further refined its policy-based approach to the advancement of women as a necessary corollary to the work of the treaty-based machinery. The work of the Commission takes into account that the respect for, promotion of, and the enjoyment by women of their rights depends on both the establishment of the international legal framework through standard-setting and their subsequent translation into national law and practice, as well as on the promotion of a global policy of gender equality.

159. Since 1985, the work of the Commission on the Status of Women has focused on the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, which were adopted in that year. Using the Strategies as a framework, the Commission makes action-oriented recommendations which are expected to guide national policy-making and programme development in overcoming structural, systemic and pervasive discrimination against women in many fields. The Commission also provides guidance for United Nations system-wide action for the advancement of women, thus fleshing out its function as a catalyst for women's issues.

160. More recently, as preparations for the Fourth World Conference on Women have gained momentum, and encouraged by the results of events such as the 1993 World Conference on Human Rights, a renewed interest in a rights-based approach to the advancement of women can be noted. While the Conventions of 1952, 1957, and 1962 focused on specific aspects of the political, civil and civic rights agenda, the Convention on the Elimination of All Forms of Discrimination against Women puts forward a comprehensive catalogue of rights in the political, economic, social, cultural and civil areas.

161. The tendency to address the economic, social and cultural realities of women's lives, including as they pertain to the rights contained in the Convention, from a social welfare point of view are increasingly being challenged in favour of a comprehensive rights-based approach. In its contribution to the World Conference on Human Rights, the Committee on Economic, Social and Cultural Rights stated that "Safety nets which can be removed at the whim of the Government or other actors cannot therefore provide adequate protection for economic, social and cultural rights" (A/CONF.157/PC/62/Add.5, para. 10). A rights-based approach to women's development in the framework of the Convention would solidify as human rights obligations what so far has often been conveniently understood as a good faith responsibility of Governments to work towards ensuring the social welfare of women. Social welfare measures, however, do not create entitlements and can be withdrawn without legal

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consequences. Human rights obligations, on the other hand, exist erga omnes, and are the concern of all States.

162. As the international community is preparing yet another global conference to maintain and strengthen the momentum towards achieving women's full enjoyment of equal rights with men in all areas, the Convention and, since 1985, the Forward-looking Strategies, have constituted the twin elements for governmental, intergovernmental, non-governmental and individual action to respect, protect and fulfil women's human rights. The establishment of international legal norms and standards and the ongoing work of substantiating these standards through the practice of the Committee on the Elimination of Discrimination against Women has provided women all over the world with a frame of reference as to the obligations of their own Governments with regard to women's enjoyment of their rights in all aspects of private and public life.

163. This makes the Convention an instrument of special importance in the preparations for, and the follow-up to, the Fourth World Conference on Women. The achievement of universal ratification of the Convention without reservations by the year 2000 must be one of the primary targets of Governments and non-governmental organizations committed to the realization of women's right to equality, development and peace.

II. A HISTORY OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

164. The institutional aspects of the implementation of the Convention on the Elimination of All Forms of Discrimination against Women are reflected in the work of its monitoring body, the Committee on the Elimination of Discrimination against Women. The Committee's evolving working methods illustrate how the Committee's understanding of, and approach to, its mandate have changed and grown since its first session in 1982.

165. Through its consideration of reports of States Parties, the development of an extensive practice of making general recommendations and other contributions, the Committee has assumed an important role in the international arena, not only in monitoring the implementation of the treaty, but beyond through its contribution to the progressive development of international human rights law and its active participation in current international affairs.

166. The Committee's approach to the discharge of its duties offers insights into the concepts and functioning of international human rights law as it pertains to women. The cohesiveness, flexibility and efficiency with which the Committee handles its responsibilities are reflected in its working methods and decision-making processes. The composition of the Committee in terms of the nationality and professional background of its members shapes the Committee's understanding of its tasks, the strength of its analysis and the role it plays in the implementation of the Convention. The Committee's relationship to other international bodies, such as other human rights treaty bodies, the Commission on the Status of Women and the General Assembly, have an impact on the Committee's stature as a human rights treaty body.

A. Composition of the Committee

167. In accordance with article 17 of the Convention, the Committee consists of 23 experts of high moral standing and competence in the fields covered by the Convention. Elected by the States Parties to the Convention, they serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

168. The Convention provides that, upon its entry into force, the Committee would initially be composed of 18 experts. After ratification of or accession to the Convention by the thirty-fifth State Party, this number would increase to 23. When the first meeting of States Parties was convened in April 1982, 38 States had already become parties to the Convention. As a consequence, the Committee consisted of 23 experts from its very beginning.

1. Committee members by their nationalities

169. By the time of the first meeting of States Parties to elect the members of the Committee, only 23 nominations had been received. The composition by

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geographical region for the first three years of the Committee was thus determined by the nominations presented to the States parties. 22/ A larger number of candidatures at subsequent elections brought about a shift in the composition of the Committee. The number of ratifications per region has, over the years, also been a contributing factor influencing the geographical make-up of the Committee.

170. The number of experts from the Western European and Other region, the Latin American and Caribbean region, and the Asia and the Pacific region has remained relatively constant over the years, with an approximate average of four to six experts from each of the regions. The most remarkable changes have occurred in the number of experts from the Eastern European and African regions: while, at the first session, six experts from Eastern Europe and two experts from Africa had been elected to serve on the Committee, two Eastern European and six African experts served on the Committee during its twelfth and thirteenth sessions. At the seventh session of the States Parties in February 1994, the terms of both experts from Eastern European countries expired. Although four candidates from the region had been nominated, none was elected. As a consequence, for the first time in the Committee's history, no expert from one of the five geographical regions of the United Nations will serve on the Committee during its fourteenth and fifteenth sessions. The composition of the Committee for that biennium is as follows: 6 from Africa, 5 from Asia, 7 from Western Europe and other States, and 5 from Latin America and the Caribbean.

Table 1. Composition of the Committee by nationality and by session

First session 1982 (unchanged in 1983 and 1984)

Eastern Europe (6 members)	Africa (2 members)	Latin America and the Caribbean (6 members)	Asia and the Pacific (5 members)	Western Europe and other States (4 members)
Union of Soviet Socialist Republics	Rwanda	Guyana	Philippines	Canada
Yugoslavia	[Egypt]	Ecuador	Sri Lanka	Portugal
Hungary		Mexico	Mongolia	Sweden
German Democratic Republic		Uruguay	China	Norway
Bulgaria		Panama	Vietnam	
Poland		Cuba		

Twelfth and thirteenth sessions (1993 and 1994)

Eastern Europe (2 members)	Africa (6 members)	Latin America and the Caribbean (5 members)	Asia and the Pacific (4 members)	Western Europe and other States (6 members)
Russian Federation	Ghana	Ecuador	Bangladesh	Spain
Yugoslavia	Tunisia	Venezuela	Philippines	Italy
	Burkina Faso	Argentina	Japan	Finland
	Ethiopia	Colombia	China	Germany
	Egypt	Barbados		Turkey
	Nigeria			New Zealand

2. Committee members by their professions

171. The professional make-up of the Committee has changed markedly over the years. Today, the academic and professional background of the experts reflects a diverse mix of all fields, which gives a multidimensional approach to the Committee's work.

172. During the first three sessions, 70 per cent of the Committee's members were lawyers. This number decreased to 22 per cent with the biennium 1993-1994. However, the group consisting of lawyers, political scientists and international relations specialists is still the largest, comprising 52 per cent of the total. A steadily growing group is that of social scientists (currently 35 per cent), as well as that of "others" (13 per cent), including medical, economic, literature, language and engineering experts. Consequently, the proportion of lawyers and academics (defined as experts holding doctoral degrees or with university posts) has decreased, while the number of sociologists and of feminist activists/practitioners has increased.

173. The number of professional diplomats serving on the Committee has also decreased steadily. This group is defined as including not only those experts who work in foreign ministries but also those who have represented their countries in various international forums, particularly within the United Nations system. On the other hand, international experience in the area of women's issues has been constant and has stayed high. Throughout the years, experts' background in women's issues at the national level has been strong, currently applying to some 80 per cent of the members. On average, some 20 per cent of the members have been politically active at the national level. The majority of members have at some time held government posts, but the exact figure is difficult to determine. As a minimum, experts have served on governmental committees or working groups, usually as experts in their fields.

174. After the first three sessions, the average age of new members had increased from 43 to 51. It declined to 46 during the twelfth and thirteenth sessions.

175. Except for one male member during its first three sessions (Mr. Nordenfelt of Sweden), the Committee consisted of female experts only. While this has been noted and commented upon, it was also pointed out at times that an overwhelmingly or exclusively male composition of other human rights treaty bodies was an equally unsatisfactory situation. The positive developments with regard to the number of women serving on other treaty bodies may in future bring States Parties to nominate, and to elect, male members to the Committee, which has itself encouraged such a possibility.

3. Length of service of Committee members

176. Membership in the Committee has been characterized by two aspects. On the one hand, a certain number of members have served on the Committee over an extended period of time, thereby ensuring needed continuity and the consolidation of the Committee's institutional memory. Other members have served on it for one or two terms, thus bringing greater diversity and multiple perspectives to its work. One Committee member served for 13 sessions, three more for 11 sessions. On average, the term of office of Committee members has been six years.

177. After having served on the Committee on the Elimination of Discrimination against Women, several experts have subsequently been elected to other human rights treaty bodies, such as the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. No member of the Committee on the Elimination of Discrimination against Women had previously served on any of the other treaty bodies.

Table 2. Members of the Committee, 1982-1994

(The Committee members are listed by sessions when first elected)

Expert	State Party	Term(s)
First, second and third sessions		
Ms. Desiree P. Bernard	Guyana	1982-1992 a/
Ms. Aleksandra P. Biryukova	Union of Soviet Socialist Republics	1982-1986
Ms. Marie Caron	Canada	1982-1988
Ms. Irene R. Cortes	Philippines	1982-1986
Ms. Graciela Escudero-Moscoso	Ecuador	1982-1984
Ms. Shirley Field-Ridley	Guyana	1982-1982 a/
Ms. Aida Gonzalez Martinez	Mexico	1982-1992
Ms. Luvsandanzangyn Ider	Mongolia	1982-1988
Ms. Zagorka Ilic	Yugoslavia	1982-1994
Ms. Vinitha Jayasinghe	Sri Lanka	1982-1986
Ms. Vanda Lamm	Hungary	1982-1984
Ms. Raquel Macedo de Sheppard	Uruguay	1982-1986
Ms. Lia Patino de Martinez	Panama	1982-1984
Ms. Guan Minqian	China	1982-1990
Ms. Maria Margarida de Rego da Costa Salema Moura Ribeiro	Portugal	1982-1988
Ms. Landrada Mukayiranga	Rwanda	1982-1986
Ms. Nguyen Ngoc Dung	Viet Nam	1982-1984
Mr. Johan Nordenfelt	Sweden	1982-1984
Ms. Edith Oeser	German Democratic Republic	1982-1992
Ms. Vesselina Peytcheva	Bulgaria	1982-1986
Ms. Maria Regent-Lechowicz	Poland	1982-1986
Ms. Rakel Surlien	Norway	1982-1982 b/
Ms. Esther Veliz de Villalvilla	Cuba	1982-1988
Ms. Merwat Tallawy	Egypt	c/
Ms. Lucy Smith	Norway	1983-1986 b/
Ms. Farida Abou El-Fetouh	Egypt	1983-1986 c/
Fourth and fifth sessions		
Ms. Elizabeth Evatt	Australia	1985-1992
Ms. Chryssanthi Laiou-Antoniou	Greece	1985-1992
Ms. Alma Montenegro de Fletcher	Panama	1985-1988
Ms. Kongit Sinegiorgis	Ethiopia	1985-
Ms. Margareta Wadstein	Sweden	1985-1988

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Expert	State Party	Term(s)
Sixth and seventh sessions		
Ms. Ryoko Akamatsu	Japan	1987-1994
Ms. Ivanka Corti	Italy	1987-
Ms. Hadja Assa Diallo Soumare	Mali	1987-1990
Ms. Ruth Escobar	Brazil	1987-1990
Ms. Norma Forde	Barbados	1987-1994
Ms. Elvira Novikova	Union of Soviet Socialist Republics	1987-1990
Ms. Lily Pilataxi de Arenas	Ecuador	1987-1990
Ms. Ida Soekaman	Indonesia	1987-1987 d/
Ms. Mervat Tallawy	Egypt	1987-
Ms. Rose Ukeje	Nigeria	1987-1994
Ms. Pudjiwati Sayogyo	Indonesia	1987-1990 d/
Eighth and ninth sessions		
Ms. Ana Maria Alfonsin de Fasan	Argentina	1989-1992
Ms. Carlota Bustelo Garcia del Real	Spain	1989-
Ms. Grete Fenger-Moller	Denmark	1989-1992
Ms. Hanna Beate Schopp-Schilling	Federal Republic of Germany	1989-
Ms. Kissem Walla Tchangai	Togo	1989-1992
Tenth and eleventh sessions		
Ms. Charlotte Abaka	Ghana	1991-
Ms. Emna Aouij	Tunisia	1991-
Ms. Dora Gladys Nancy Bravo Nunez de Ramsey	Ecuador	1991-1994
Ms. Tatiana Nikolaeva	USSR	1991-1994
Ms. Teresita Quintos-Deles	Philippines	1991-1994
Ms. Lin Shangzhen	China	1991-
Twelfth and thirteenth sessions		
Ms. Gul Aykor	Turkey	1993-
Ms. Silvia Rose Cartwright	New Zealand	1993-
Ms. Evangelina Garcia-Prince	Venezuela	1993-
Ms. Liliana Gurdulich de Correa	Argentina	1993-
Ms. Salma Khan	Bangladesh	1993-
Ms. Pirrko Anneli Makinen	Finland	1993-
Ms. Elsa Victoria Munoz-Gomez	Colombia	1993-
Ms. Ahoua Ouedraogo	Burkina Faso	1993-
Fourteenth and fifteenth sessions		
Ms. Mirium Yolanda Estrada Castillo	Ecuador	1995-
Ms. Aurora Javate de Dios	Philippines	1995-

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Expert	State Party	Term(s)
Ms. Sunaryati Hartono	Indonesia	1995-
Ms. Ginko Sato	Japan	1995-
Ms. Carmel Shalev	Israel	1995-
Ms. Tendai Ruth Bare	Zimbabwe	1995-
Ms. Desiree P. Bernard	Guyana	1995-

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a/ Ms. Field-Ridley had been elected at the first meeting of States Parties. She died before the Committee met at its first session. In accordance with article 17.7 of the Convention, upon the proposal of the Government, and with the approval of the Committee, Ms. Bernard served as member of the Committee for the remainder of Ms. Field-Ridley's term.

b/ In accordance with article 17.7, upon the proposal of the Government, and with the approval of the Committee, Ms. Smith served as member of the Committee for the remainder of Ms. Surlien's term.

c/ Ms. Tallawy had been elected at the first meeting of the States Parties. Subsequently, she joined the staff of the United Nations and was therefore not eligible to be a member of the Committee. In accordance with article 17.7, upon the proposal of the Government, and with the approval of the Committee, Ms. Farida Abou El-Fetouh served as a member of the Committee for the remainder of Ms. Tallawy's term, from the second session onwards.

d/ In accordance with article 17.7, upon the proposal of the Government, and with the approval of the Committee, Ms. Sayogyo served as member of the Committee for the remainder of Ms. Soekaman's term.

Table 3. Committee members by age, sex and profession, according to curricula vitae submitted to the Secretariat

New members of the Committee on the Elimination of Discrimination against Women	1982-1984 (Sessions I-III)	1985-1988 (Sessions IV-VII)	1989-1992 (Sessions VIII-XI)	1993-1994 (Sessions XII-XIII)	1993 all members
Total number of new members	24 (e)	15	10	9	23
1. Average age (range) (age when the expert served her first session)	43.56 (28-55)	51.46 (40-61)	49.6 (41-61)	46.6 (41-52)	50.75
2. Sex	one male	after the first session the Committee has been all female			
3. Government position	50% (12)	60% (9)	80% (8)	100% (9)	82.6% (19)
4. University posts/professors	16% (4)	6.6% (1)	-	-	4.3% (1)
5. Political background and/or position in national political body	29% (7)	13.3% (2)	30% (3)	33% (3)	21.7% (5)
6. National experience in women's issues (work within national machineries or activity in women's movement)	58% (14)	73.3% (11)	100% (10)	77.7% (7)	78.2% (18)
7. Experience in international affairs	41.6% (10)	53.3% (8)	20% (2)	11.1% (1)	30.4% (7)
- in foreign service	20.8% (5)	13.3% (2)	-	-	17.3% (4)
8. International experience concerning women	66.6% (16)	80% (12)	40% (4)	55.5% (5)	56.5% (13)
9. Education; area of study:	70.8% (17)	66.6% (10)	40% (4)	22.2% (2)	52.1% (12)
(a) Law and international relations, political science					
(b) Social studies and educational studies	12.5% (3)	26.6% (4)	10% (1)	55.5% (5); including sociology, community development	34.7% (8)

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New members of the Committee on the Elimination of Discrimination against Women	1982-1984 (Sessions I-III)	1985-1988 (Sessions IV-VII)	1989-1992 (Sessions VIII-XI)	1993-1994 (Sessions XII-XIII)	1993 all members
(c) Others	16.6% (4) economics, literature, history and journalism, textile engineering	6.6% (1) medical	50% (5) medicine, language and literature	22.2% (2) engineering, economics	13% (3) medicine, economics, engineering
Level of study: doctoral degrees	20.8% (5)	13.3% (2)	10% (1)	-	8.6% (2)

a/ The elected expert from Guyana had died before the Committee met for its first session. Her place was taken by another expert from Guyana, whose nomination was approved by the Committee in accordance with article 17.7 of the Convention. Both experts are counted as members of the Committee.

4. Officers of the Committee

178. The Convention itself specifies in article 19 that the Committee shall adopt its own rules of procedure, and that it shall elect its officers for a term of two years. The Committee's rules of procedure establish that the officers of the Committee shall consist of a chairperson, three vice-chairpersons and a rapporteur (rule 13). While the length of the terms of office is laid down in the Convention, rule 14 adds that the officers shall be eligible for re-election "provided that the principle of rotation is upheld".

179. As can be seen in the chart below, the Bureau of the Committee has regularly consisted of five members, one from each of the five regions of the United Nations. The first Bureau served for a three-year term, whereas the subsequent Bureaux remained in office for two years, with the exception of the chairperson of the fourth and fifth sessions, who remained in office also for the sixth and seventh sessions.

180. The first chairperson of the Committee was elected by secret ballot, as two proposals had been put forward. Ms. Luvsandanzangyu Ider of Mongolia was elected with 11 (out of 21) votes cast. Ms. I. R. Cortes of the Philippines received 10 votes. Except for the vote at its first session, all members of the Bureau have since been elected by consensus, thus establishing a practice of collegiality and unanimity with regard to its officers that has also strengthened the Committee's consensual approach to its work.

181. The rules of procedure (rule 24) identify the general powers of the chairperson. Under the rules, the chairperson controls the proceedings of the Committee, including the direction of the discussion and decision-making process. In addition to these formal powers, the inherent power of the office gives its occupant the opportunity to influence the overall direction of the body concerned, provided the office holder is able to build consensus and to forge a strong sense of purpose among the members. The fact that, except for

the first one, all chairpersons of the Committee have been chosen by consensus and that decisions of the Committee have in principle all been taken unanimously attests to the strong leadership available in the Committee over the years. 23/

182. Procedurally, the chairperson works most closely with the Secretariat in the preparation of the session, in ensuring the timely conduct of business, including the preparation of documents, the presence of States Parties for the consideration of reports, and the general provision of backup to the Committee. Through the chairperson, the Secretariat may be called upon to advise the Committee on technical and other matters, such as the Committee's past practice and rules of procedure.

183. The chairperson of the Committee is also increasingly called upon to represent the Committee at various international activities and events, including international conferences and other intergovernmental meetings of the United Nations. Furthermore, the chairperson participates on behalf of the Committee in the biennial meetings of the persons chairing human rights treaty bodies, which makes recommendations to the General Assembly on all matters regarding the functioning of the treaty regime and the ability of the treaty bodies to discharge their functions.

Table 4. Officers of the Committee, 1982-1994

Election for sessions	Chairperson	Region	Vice-Chairpersons	Region	Rapporteur	Region
First session Second session Third session	Ms. Ider, Mongolia	Asia and Pacific	Ms. Caron, Canada Ms. Ilic, Yugoslavia Ms. Mukayiranga, Rwanda	Western Europe and other States Eastern Europe Africa	Ms. Bernard, Guyana	Latin America and the Carib-bean
Fourth session Fifth session	Ms. Bernard, Guyana	Latin America and the Caribbean	Ms. Cortes, Philippines Ms. Sinegiorgis, Ethiopia Ms. Smith, Norway	Asia and Pacific Africa Western Europe and other States	Ms. Oeser, German Democratic Republic	Eastern Europe
Sixth session Seventh session	Ms. Bernard, Guyana	Latin America and the Caribbean	Ms. Akamatsu, Japan Ms. Soumare, Mali Ms. Novikova, USSR	Asia and Pacific Africa Eastern Europe	Ms. Wadstein, Sweden	Western Europe and other States

Election for sessions	Chairperson	Region	Vice-Chairpersons	Region	Rapporteur	Region
Eighth session Ninth session	Ms. Evatt, Australia	Western Europe and other States	Ms. Guan, China	Asia and Pacific	Ms. Ukeje, Nigeria	Africa
			Ms. Oeser, German Democratic Republic	Eastern Europe		
			Ms. Pilataxi, Ecuador	Latin America and the Caribbean		
Tenth session Eleventh session	Ms. Tallawy, Egypt	Africa	Ms. Fasan, Argentina	Latin America and the Caribbean	Ms. Laiou-Antoniou, Greece	Western Europe and other States
			Ms. Akamatsu, Japan	Asia and Pacific		
			Ms. Ilic, Yugoslavia	Eastern Europe		
Twelfth session Thirteenth session	Ms. Corti, Italy	Western Europe and other States	Ms. Nikolaeva, Russian Federation	Eastern Europe	Ms. Quintos-Deles, Philippines	Asia and Pacific
			Ms. Garcia-Prince, Venezuela	Latin American and the Caribbean		
			Ms. Ukeje, Nigeria	Africa		

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B. Organization of work

1. Rules of procedure

184. At its first session, held in Vienna from 18 to 22 October 1982, the Committee dealt with organizational matters, particularly the adoption of its rules of procedure. These rules have been in place ever since.

185. The rules of procedure govern the internal organization and working methods of the Committee. They cover issues such as the Committee's sessions (date, site etc.), its agenda, members and officers of the Committee, conduct of business, voting, reports of States Parties, and participation of specialized agencies.

186. The Committee's practice has evolved over the years in the light of new requirements, needs and approaches in its overall work. Consequently, at its twelfth session in 1993, the Committee decided to review its rules of procedure in order to reflect those new developments and to update any inconsistencies. At its thirteenth session in 1994, the Committee decided that rules 3 (1) (site of sessions), 5 (1) provisional agenda), 8 (b) beginning of the term of office of newly elected members), 43 (1) (election of officers by secret ballot), 46 (2) (form of reports of the Committee), 49 (2) (attendance by States Parties) and 50 (working methods for examining reports) should be considered for reformulation at its fourteenth session in 1995. Furthermore, the Committee decided to consider additional rules that would seem desirable in the light of the Committee's current practice.

2. Venue and date of the Committee sessions

187. The site of its sessions has been a matter of concern to the Committee from the beginning. The Secretary-General of the United Nations, responsible under the Convention for providing the necessary staff and facilities for the effective functioning of the Committee (article 17.9), allocated the substantive and technical servicing of the Committee to the Division (then Branch) for the Advancement of Women. In accordance with the established practice of the United Nations, and confirmed repeatedly in General Assembly resolutions (including resolution 40/243 of 18 December 1985), its organs meet at the location of its substantive servicing secretariat.

188. During the discussion of rule 3 (site) of the rules of procedure at its first session, the text of article 20 of the Convention ("the meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee") was discussed at length. Some members favoured having meetings in New York only, as that would make it easier for the experts to discuss matters with States Parties. On the other hand, the secretariat of the Committee was located in Vienna, which could therefore offer better services, both technically and substantively. The Committee decided in 1982 that "Headquarters" could mean both New York and Vienna, and that, as a consequence, its sessions would be held alternately in New York and Vienna.

189. Circumstances such as the overall financial situation of the Organization, and the designation of the United Nations Office at Vienna as the focal point for social progress and development questions by the General Assembly in 1987, required the Committee to review its initial decision repeatedly. Notwithstanding strong pressure, including from the General Assembly, the Committee maintained a firm position on its venue, and between 1982 and 1994 met alternately in Vienna and New York. This position was put expressly to the Convention's States Parties in general recommendation 7 (1988), seeking the States Parties' support for the Committee's proposal to meet in New York and Vienna.

190. The Committee believed that publicity, awareness-raising and goodwill for the Committee and its work required biennial sessions in New York. Furthermore, holding sessions only at Vienna would impose hardship on developing countries with no diplomatic representation in Vienna.

191. The transfer of the Division for the Advancement of Women back to New York and its incorporation in the Department for Policy Coordination and Sustainable Development in 1993 has had the consequence of ending the perceived isolation of the Committee in Vienna. The Committee decided at its thirteenth session that its fourteenth session in 1995 would also be held in New York.

192. More recently, Geneva, the location of the United Nations Centre for Human Rights and site of sessions of the human rights treaty bodies that are serviced by the Centre, has been suggested as a new or an alternate site for the Committee's sessions. This was put forward in particular by the third and fourth meetings of the persons chairing the human rights treaty bodies. The Committee itself suggested to the World Conference on Human Rights that its servicing should be provided by both the Division for the Advancement of Women and the Centre for Human Rights, including an adjustment in the site.

193. The date of the Committee's sessions shifted repeatedly during the first few years. Notwithstanding an effort of the Committee in 1989 to have a greater influence on the determination of the dates for its sessions, coordination with the overall calendar of United Nations intergovernmental meetings, and particularly of bodies dealing with women's issues, left little flexibility. As a consequence, the Committee's sessions are now held during January/early February of each calendar year, so that its findings can be presented to the Commission on the Status of Women during the same year.

3. Duration of the Committee's sessions

194. During the discussion of rule 1, on the annual sessions of the Committee, some experts considered that the amount of time allocated to the Committee for its annual sessions was too restrictive. In their opinion, more or longer sessions should be held, if necessary, and that it should be up to the Committee to decide on the matter. Other experts opposed such an interpretation of the Convention's language.

195. Having raised the issue at its first session, the Committee soon faced a backlog in the consideration of States Parties' reports owing to rapid

ratification of the Convention and submission of reports. When it started to examine ways to extend its meeting time at its fifth session in 1986, article 20 of the Convention, which limits the meeting time to "a period of not more than two weeks annually", and the financial implications of holding an extended session emerged as considerable obstacles.

196. In 1986, the Committee was for the first time successful in its request to the General Assembly, on an exceptional basis, for the extension of its session by eight additional meetings (four days). At the same time, the Committee asked the States Parties to consider possible action to ensure adequate meeting time for the Committee to carry out its tasks properly. At the time, the possibility of an amendment to article 20 was not raised so as not to discourage new ratifications of the Convention.

197. A similar request for additional meeting time emanating from the Committee's seventh session, and justified by its ever-growing workload, was not granted. Subsequently, the Committee proposed to establish a pre-session working group (see below), and the necessary resources were granted by the General Assembly for the working group's first meeting in 1990.

198. Notwithstanding the more expeditious consideration of reports based on lists of issues prepared by the pre-session working group, the Committee's backlog has only increased since 1990. With the approval of the General Assembly, the Committee has been able to hold three-week sessions annually since 1993, in addition to the one-week pre-sessional working group.

199. The Committee also recommended to the World Conference on Human Rights that steps be taken to amend article 20 to provide the Committee with adequate meeting time. This recommendation was subsequently reiterated in detail to the States Parties. The Commission on the Status of Women took up the matter and the General Assembly, at its forty-ninth session in 1994, was called upon to take action on the issue. It had before it a report on the Convention which, inter alia, analysed the Committee's working methods and capacity to fulfil its mandate (A/49/308).

200. The fact that a provision concerning the meeting time is incorporated in the legal instrument is unique; all other human rights treaties leave it up to the monitoring body to decide on the matter. The Committee's concern about its capacity to fulfil its mandate effectively has ample proof in the number of reports awaiting consideration, as well as in the sometimes extended periods of time that elapse between the submission of a report and its actual consideration, which clearly reduces the incentive for States Parties to implement their reporting obligations in time.

201. Furthermore, the Committee allocates on average one meeting for the consideration of second and subsequent reports, and one and a half meetings for the consideration of initial reports. Committee members have voiced their concern that this barely allows for a comprehensive exchange with the State Party and puts in jeopardy the constructive dialogue with the reporting State. This dialogue, however, is considered the essential aspect of the human rights reporting system. The Committee has therefore adopted a two-pronged approach: while requesting additional meeting time to deal with the problem on an ad hoc

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basis, the Committee is encouraging a long-term solution, including the amendment of article 20 of the Convention, in order to obtain redress for a situation unsatisfactory to the Committee and to States Parties alike.

4. Consideration of States Parties reports

202. Article 17 of the Convention specifies that the main mandate of the Committee is the consideration of reports submitted by States Parties in accordance with article 18 of the Convention. It may also make suggestions and general recommendations based on the examination of reports and information received from States Parties (article 21). The consideration of States Parties' reports is reviewed in detail in section C below. In the following subsections, the Committee's practice with regard to other organizational aspects of its work are discussed.

5. Selection of reports for consideration

203. During its first sessions (1983 to 1985) the Committee progressively established general criteria for the selection of reports for consideration at subsequent sessions. The participation of representatives of the reporting State in the constructive dialogue was given high priority. Different levels of development, geographic diversity, the economic and political profile of the country, the date of submission of the report, and preference as to venue (Vienna or New York) were also included. Until the Committee's fifth session, the Secretariat was responsible for choosing reports for consideration on the basis of those criteria. Since 1986, this task has been assumed by the newly established working group on ways and means to expedite the work of the Committee.

204. The Committee has for many years been required to consider a large number of reports during its limited annual sessions. In selecting reports for consideration, the Committee endeavours to achieve a balance between different geographical regions, levels of development and different economic and social systems. The date of submission of reports and the participation of government representatives in the constructive dialogue remain important aspects in the selection. Furthermore, the Committee gives priority to the consideration of initial reports.

6. Presentation of reports by States Parties

205. In its rules of procedure, the Committee laid down that "representatives of States Parties shall be present at the meeting of the Committee when the State's report is being examined and shall participate in discussions and answer questions concerning the said report". Since the selection of reports for consideration was done early on by the Secretariat, the Secretary-General of the United Nations notified those States Parties that had been selected of the opening date, duration and place of the session at which their respective reports were scheduled to be examined.

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206. Instances of non-appearance of government representatives for the examination of their reports was seen as very regrettable, and as a sign of disrespect for the Committee. Consequently, the Committee, over the course of the years, has taken a number of practical steps to avoid having to cancel the consideration of a report owing to the absence of government representatives. At the same time, the Committee stressed the importance that representatives of national offices familiar with women's programmes and legislation affecting women participate in the constructive dialogue in order to give appropriate priority to the Convention.

207. The practical steps taken by the Committee include the publication in its annual report of the names of States chosen for consideration the following year; written communication with the State Party concerning the presentation of the report; and request for written confirmation by 1 September by the State Party of its participation. A reserve list has been drawn up on occasion in order to allow the substitution of a State unable to participate in the dialogue.

208. Recently, States Parties, once selected for consideration, have been offered the opportunity to submit a revised or new report if the national situation has changed sufficiently to warrant the substitution. The Committee thus tries to remedy the fact that, often, considerable time periods elapse between a State Party's submission of its report to the Secretariat and its eventual consideration by the Committee.

209. In general, the Committee's experience shows that the practice of determining one year in advance the list of the reports to be considered at its subsequent session, including a reserve list, has led to an excellent record of participation of State Party representatives. Furthermore, in preparing the sessions of the Committee, the Secretariat endeavours to establish in good time the readiness of the State Party to present the report at a convenient time.

7. Submission of reports

210. The Convention establishes, in article 18, that States Parties shall submit reports on progress made in the implementation of the Convention "within one year after the entry into force", and thereafter "at least every four years and further whenever the Committee so requests". The Committee, in rule 47 of its rules of procedure, identified steps to be taken with regard to non-receipt of reports. These include, in particular, the sending of reminders to defaulting States Parties, and the inclusion of relevant information in the Committee's annual report.

211. States Parties' non-compliance with reporting obligations has been a concern of the Committee for many years. While the Committee has at times noted the burden imposed on States Parties by multiple reporting obligations, it has been firm with regard to the need for the full implementation of the treaty obligation contained in article 18.1, namely that initial and subsequent quadrennial reports had to be submitted on time. No adjustment in the reporting period was seen as possible. In 1986, the Committee adopted a general recommendation to that effect.

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212. In order to allow States Parties to discharge all their reporting obligations, the Committee decided at its tenth session that States Parties with more than one overdue report could submit a combined report (that is, the initial, second and possibly third periodic reports together in one combined report), and it encouraged those in default to do so. Similarly, the Secretariat, invited by the Committee, made efforts to provide increased technical assistance to countries in the preparation of initial reports.

213. The Committee's annual report contains information on the status of submission and consideration of reports. These lists indicate that, as of June 1994, there were 38 initial reports, 39 second periodic reports, and 40 third periodic reports due but not yet received from States Parties making a total of 117 reports overdue. There were 16 States Parties whose reports were five years or more overdue; 12 of these are more than 8 years overdue, and 8 more than 10 years overdue.

8. Backlog of reports

214. The backlog of reports awaiting consideration has been growing steadily from the Committee's fifth session onwards, primarily as a result of the increasing number of ratifications and subsequent submission of reports, and the limited meeting time available to the Committee for its annual session.

215. The Committee has been considering on average 14-16 reports during a three-week session. Nevertheless, 33 reports were awaiting consideration as at June 1994, with a waiting period from between 1 and 52 months. Eight reports date from 1991 or earlier, 7 from 1992, 12 from 1993 and 6 from 1994. In 1994, the average time lapse between receipt and consideration of reports was 34 months, up from 18 months in 1985.

9. Establishment of working groups

216. Ad hoc working groups were used by the Committee from its second session onwards to prepare the Committee's actions on certain matters. The Committee deliberated each time carefully and at length on the advisability and, once agreed, the composition of the working groups. A first working group in 1983 considered the guidelines for the preparation of States Parties' reports. Similarly, the preparation of the final draft of the Committee's report to the World Conference held in 1985 was entrusted to such working groups after lengthy discussion. A working group was entrusted with the consolidation of draft general recommendations in 1986. Soon, however, the use of working groups became a regular tool of the Committee to deal efficiently and effectively with certain of its responsibilities.

217. At its sixth session, the Committee institutionalized this method by establishing two standing in-session working groups, one to consider and suggest ways and means of expediting the work of the Committee (Working Group I) and the second, ways and means of implementing article 21 of the Convention (Working Group II). The two working groups were considered most useful, as the Committee wanted to expand its mandate - and enrich its prestige as a monitoring body - by

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making recommendations, as well as to fulfil its task in considering reports of States Parties in the most efficient and comprehensive way.

218. Membership in these working groups is flexible and open-ended, whereas it had been by appointment during the early years. Both working groups continue to operate under difficult conditions, including primarily the very limited time available for their work. Often, they have to meet outside the official meeting time, or at least do the preparatory work on their own time, and without adequate support, including interpretation. Committee members have indicated problems due to the lack of a common working language, and the impossibility of following the work of the other working group, since they are scheduled to meet simultaneously in order to save time.

10. Development of procedures for consideration of States Parties' reports

219. Article 18 of the Convention indicates the type of information States Parties are expected to provide in their reports, namely on the "legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the Convention and on the progress made in this respect". Reports "may indicate factors and difficulties affecting the degree of fulfilment of obligations under the Convention". In addition to the adoption of guidelines for the preparation of reports (for details on the guidelines for reporting, see sect. C below), the Committee on several occasions has reviewed its methodology for considering the reports.

220. Of paramount concern to the Committee in this regard was the establishment of close links between the Committee and the reporting State in the constructive dialogue, and the maintenance of flexibility and the right of individual experts to make comments and to pose questions on any matter covered by the Convention. The method of coordinating these questions and to follow an article-by-article approach in the consideration of reports was developed into a satisfactory and efficient way of realizing these two goals.

221. Following the adoption of guidelines for the preparation of the second and subsequent periodic reports in 1987, Working Group I suggested that it prepare a list of issues and questions which would, after discussion and agreement by the Committee, be transmitted to the government representatives to allow them to prepare replies before the meeting, thus following the methods used by the Human Rights Committee (established under the International Covenant on Civil and Political Rights). While cautioning against too rigid and bureaucratic working methods, the proposal was adopted on a trial basis because it reduced the time necessary for dealing with second periodic reports. In discussing its working methods, some members voiced concern that the Committee spent a great deal of time on requesting additional information from States Parties and very little time on determining what progress States had made towards implementing the Convention. It was hoped that the rationalization of working methods would enable the Committee to concentrate on deeper analysis of States Parties' reports.

11. The establishment of a pre-session working group

222. The Committee was aware that, from its ninth session onwards, it would have more second and subsequent reports to consider than initial reports, which made it imperative to create an efficient system to cope with the workload and the ever-increasing backlog of reports. Based on its experience with the preparation of lists of issues by its Working Group I, and after careful consideration of the advantages (more expeditious and efficient consideration of reports), and disadvantages (bureaucratization, loss of flexible interaction with States Parties' representatives), the Committee, upon the proposal of Working Group I, decided to request funding from the General Assembly for the establishment of a pre-session working group to prepare a list of issues to be most usefully discussed with the reporting State in the consideration of second and subsequent periodic reports.

223. At its ninth session in 1990, the Committee had before it for the first time the work of its pre-session working group. The group, composed of five members, one from each region, had met for three days to prepare the list of issues with regard to the reports chosen for consideration by the Committee at its previous session. The experience with this method was very positive and, in view of the success, the Committee requested, and has been granted by the General Assembly ever since, five additional working days for a pre-session working group. The group now meets immediately before each session of the Committee. The composition of the working group rotates annually, and is usually composed of five members, one from each region.

224. The pre-session working group endeavours to limit the number of questions to be put to each reporting State, focusing on analytical and qualitative aspects, and on the achievements and remaining obstacles. Comments and questions are organized under each of the articles of the Convention. The aim is to analyse the situation in a given country and to determine the trends in women's issues over a period of time. The limited time available for the preparation of the lists of issues, as well as for the constructive dialogue, continues to impede thorough and in-depth discussion of progress made in the implementation of the Convention in individual reporting States.

225. All members of the Committee are invited to submit questions and issues to the Secretariat one month before the meeting of the working group so that it can take them into account in the preparation of the lists of issues. It is established practice in the pre-session working group that individual members take the lead in reviewing one or more reports and in proposing the questions and issues for consideration, thus ensuring a certain division of labour and an in-depth study of all reports.

226. Upon completion by the pre-session working group, the list of issues is submitted to the reporting State, which presents the answers and comments at the meeting allocated for the consideration of the report. At that time, members of the Committee can ask additional or follow-up questions, and comment on any issues covered by the Convention.

12. Concluding comments

227. Since its eleventh session, the Committee has presented concluding comments at the end of the consideration of States Parties' reports. Originally these were delivered by the chairperson and included in the Committee's report to the General Assembly. However, during the thirteenth session, the Committee decided to adopt the practice of preparing a more detailed concluding comment on each State Party report considered, to be included in the Committee's annual report. The comment is designed to highlight the most important points raised during the constructive dialogue, and identify particular areas of progress as well as issues of concern on which the Committee wishes the State Party to report in its next periodic report. In adopting concluding comments, the Committee is following the practice already in place in the Human Rights Committee and the Committee on Economic, Social and Cultural Rights.

228. The Chairperson designates two members for each reporting State to prepare a draft, which is then discussed and finalized by the Committee in closed session before it becomes part of the Committee's report. In adopting its concluding comments at its thirteenth session, the Committee was once again hindered by time constraints. As a consequence, the concluding comments on the reports of three States could not be adopted.

229. The issue of commenting on individual States Parties' reports had been raised repeatedly during earlier sessions of the Committee. However, at the time the Committee felt that it was not yet ready to formulate recommendations concerning a particular State. When the Committee agreed on the new procedure for the formulation of concluding comments at its thirteenth session, one member expressed her reservation with regard to that procedure.

13. Request for pre-session documentation

230. The Secretariat has over the years been requested to prepare a growing number of pre-session documents in order to support the work of the Committee, and to improve its efficiency. Standard documents include a pre-analysis of States Parties' reports, including the degree of compliance with the reporting guidelines established by the Committee; consideration of reports of States Parties submitted to other treaty bodies and the extraction of information relevant to the Convention; an analysis of the fulfilment or deficiencies of the Government with respect to specific articles of the Convention; and the provision of statistical background material to the report.

231. The Secretariat is also required to engage in detailed analysis and consideration of particular provisions of the Convention. Such analyses may provide needed background material for the preparation of general recommendations or be used to assist the Committee in the development of the jurisprudence of the Convention and the elaboration of specific articles. Furthermore, the Secretariat prepares a report on ways and means of expediting the work of the Committee, which contains all the information the Secretariat believes necessary for the discussion, taking into account the experience of previous years, comments made by experts, or developments elsewhere in the human rights regime.

14. Discussion of special issues and topics

232. At recent sessions, the Committee has recognized the importance of general discussions on emerging trends in the situation of women. For example, during the eleventh session, the increase of female-headed households was identified as one such matter. During the twelfth session, there were repeated calls to have general discussions on new trends. While these discussions have so far remained without a particular structure or format, in future they may well develop into an organized discussion along the lines of the one-day general debate on selected issues held by the Committee on Economic, Social and Cultural Rights. The limited time available to the Committee would, however, pose a serious impediment to such a discussion.

15. Briefing by the chairperson

233. One more example of the flexibility of the Committee to adapt its working methods to new developments is the recently introduced briefing by the chairperson of the Committee. Since 1993, the chairperson has been briefing the Committee at the beginning of a session on activities and events, including international conferences, that have a bearing on the Committee's work.

16. Adoption of the Committee's annual report

234. In accordance with article 21 of the Convention, the Committee reports, through the Economic and Social Council, annually to the General Assembly. The report contains, inter alia, the suggestions, general recommendations and decisions adopted by the Committee, a summary of its consideration of States Parties reports, the membership of the Committee and its officers, the action taken by its working groups, as well as a list reflecting the status of ratifications and of submission of reports.

235. The report of the Committee is adopted at the end of each session. The only exception was the adoption of the Committee's second - its first substantive - report, which was postponed to the beginning of the third session. Although this postponement was seen as very regrettable, the Committee wanted to ensure the accuracy and completeness of the report. Furthermore, it was still gaining experience as to what it wished to include in the report, and how to forge a spirit of cooperation and constructive understanding among its members with regard to its work, including the presentation of its own report to the General Assembly.

236. The report on the Committee's seventh session was finalized by correspondence, since not all parts of the report were available in all the official languages on the last day of the session.

237. As the Committee's expertise and experience have grown, decisions are in practice taken by consensus after constructive discussion of the merits of the issue. While politics may have been a contributing factor in difficult decision-making processes in the early years of the Committee, it has developed

its effectiveness as an independent expert body that contributes effectively to the implementation of the Convention.

C. Functions of the Committee

238. The Committee, established for the purpose of monitoring progress made in the implementation of the Convention, is responsible for considering the reports submitted by States Parties in accordance with article 18. Furthermore, the Convention establishes that the Committee may make suggestions and general recommendations based on the examination of reports and information received from States Parties (article 21).

1. Examination of States Parties' reports

239. The consideration of States Parties' reports is the main function of the Committee. In the early years this was emphasized to such an extent that it was actually seen as the only function of the Committee. It continues to occupy most of the time available to the Committee during its annual sessions. At the same time, much of its other activities, such as in particular the preparation of general recommendations, are also the result of the Committee's examination of States Parties' reports.

(a) General guidelines regarding the form and content of reports received from States Parties under article 18

240. The Convention, in its article 18, gives an indication of the information to be included in reports. Within this framework, the Committee prepared detailed guidelines to ensure that all substantive articles of the Convention are covered in the report, and that the reports are presented in a uniform manner so that a complete picture can emerge regarding the implementation of the Convention and the progress achieved in the realization of the rights contained therein.

241. It was agreed that the general political, social and economic conditions in the reporting State should be described in order to obtain a full picture of legal institutions and practical measures. Social measures designed to facilitate the implementation of legal provisions, as well as practical steps taken to rectify discriminatory situations, should be reported. The mere listing of existing laws and legal instruments was considered insufficient: information was needed rather on how they were implemented, or on the absence of certain instruments. Moreover, Governments should provide statistics wherever appropriate.

242. The guidelines for the preparation of initial reports were adopted at the Committee's second session. They are intended to enable the Committee to discharge its responsibilities effectively and efficiently, and to further the constructive dialogue with the reporting State. Although they are not binding upon States Parties, the Committee, in its general recommendation 2 of 1987, emphasized that the general guidelines should be followed in preparing reports. The Committee also decided that it would not reject a report on the grounds that

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it did not comply with guidelines. However, it invited the States Parties, whose reports were incomplete, to supplement their reports with additional information within a certain time-limit.

243. The first part of the guidelines requires general background information relevant to the situation of women and the implementation of the Convention in the reporting State. They give a detailed catalogue of issues that need to be addressed in this part of the report to enable the Committee to obtain a comprehensive picture of the facts that determine the situation of women in the reporting State. The second part of the guidelines requests information on an article-by-article basis. The guidelines indicate precisely what kind of details the Committee seeks with regard to the implementation of each article of the Convention.

244. The Committee has discussed on occasion changes and amendments to the general guidelines for initial reports. A proposal to add a request for more statistical information was dropped in the light of the fact that a data bank on women had been established in the Division for the Advancement of Women which could furnish relevant information to the Committee. At a later session, in 1991, the Secretariat was requested by the Committee to prepare an analysis of each State Party report, including statistics using selected and comparable indicators. This pre-session analysis prepared by the Secretariat proved very useful, and has been a standard input into the Committee's work ever since.

(b) Guidelines for the preparation of second and subsequent periodic reports

245. At its seventh session, the Committee adopted guidelines for the preparation of second and subsequent periodic reports. These stress that second and subsequent reports should focus on the developments that have taken place since the previous meeting between the Committee and the reporting State. The information requested, while covering the same articles of the Convention as the previous report, should be more detailed and specific and should in particular address matters not sufficiently dealt with earlier. They should focus specifically on changes that have occurred since the consideration of the previous report, that is, on new laws adopted, on actual progress achieved in the elimination of discrimination against women, and on the de facto realization of women's equality in the framework of the Convention.

246. The Committee's recently developed practice of making concluding comments after the consideration of each State Party report gives a further indication of the areas and types of information to be most usefully included in subsequent reports. This new practice is therefore an additional means for the Committee to focus the constructive dialogue on the issues of particular concern to the Committee.

(c) Consolidated guidelines for the preparation of reports

247. The second meeting of persons chairing the human rights treaty bodies in 1988 had, *inter alia*, recommended consolidation of the guidelines for the initial parts of States Parties' reports under all human rights treaties in order to alleviate the burden of reporting for States Parties. The Committee considered that recommendation favourably, and contributed to the elaboration of

the consolidated guidelines. These consolidated guidelines were approved by the third meeting of the chairpersons in 1990, and concern the initial, or general, part of States Parties' reports. They allow States that are party to more than one human rights treaty to submit the same core document to all the treaty bodies, rather than repeat the same information. The second part of the reports, consisting of information on an article-by-article basis, is not affected by the consolidated guidelines.

(d) Request for reports on an exceptional basis

248. At its twelfth session, the Committee took the decision to express its concern with regard to the situation in a particular country, the former Yugoslavia, through a communication addressed to the Special Rapporteur appointed to investigate the human rights situation in the territory of the former Yugoslavia. This was followed up with the Committee's request for exceptional reports from the States on the territory of the former Yugoslavia. These reports were considered by the Committee at its thirteenth session.

249. When taking the decision to request such reports from the States of the territory of the former Yugoslavia, the Committee had put on record its commitment to look into similar grave violations of rights being experienced by women in any part of the world. Furthermore, the Committee pointed out that such a request was in accordance with the practice of other human rights treaty bodies.

(e) Constructive dialogue

250. Throughout its history, the Committee has emphasized the importance of establishing and maintaining a constructive dialogue between it and the reporting State in the presentation and examination of initial as well as subsequent reports. The dialogue, which takes place in a public meeting of the Committee, is characterized by the participation of representatives of the reporting State in a question-and-answer session that intends to create a constructive atmosphere in which information, experience, ideas and suggestions are exchanged in a joint effort to implement the Convention in the reporting State.

2. Preparation of suggestions and general recommendations

251. Article 21 entrusts the Committee with the task of making "suggestions and general recommendations based on the examination of reports and information received from the States Parties". In its rules of procedure, the Committee elaborated that such suggestions and general recommendations might be formulated with regard to the form, contents and dates of States Parties' reports (rule 46 on the form of reports). In rule 48, on suggestions and general recommendations, the Committee established that it might request additional information from reporting States. The rule then goes on to restate article 21.1.

252. The power and authority entrusted to the Committee under article 21.1 remained a matter of dispute for several years. One of the major points of

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disagreement concerned the Committee's authority to make recommendations of a specific - or general - nature with regard to one reporting State - or with regard to all reporting States. The Committee further discussed whether such recommendations could amount to an assessment of the situation in individual States, or whether they should be strictly of a technical nature, bearing only on the form, content and dates of reporting obligations.

253. The Committee discussed the matter thoroughly in 1986 so as to clarify further the scope and content of suggestions and general recommendations. It had then for the first time in its history an item on its agenda called "Ways and means of implementing article 21". It also requested advice from the United Nations Legal Office as to the meaning of suggestions and general recommendations, and the powers of the Committee under the Convention. The practice of other human rights treaty bodies, particularly the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, was considered for guidance.

254. Two major positions were taken. The first favoured a restrictive interpretation of the meaning of article 21.1 and the powers of the Committee, which would have the Committee limit its recommendations to technical aspects. This position argued that the limited number of reports reviewed thus far made it difficult to draw general conclusions applicable to all States Parties. The other view argued that recommendations of a substantive nature would allow the Committee to point out problems common to several States, thus contributing with its conclusions to the progressive implementation of the Convention. Moreover, this group argued that it was the Committee's duty not only to monitor the implementation of the Convention but also to contribute to improving the status of women in general. It could make use of the opportunity offered by article 21 without encroaching upon the mandate of the Commission on the Status of Women. In addition, suggestions that general recommendations could be addressed to individual States were strongly opposed.

255. The debate enabled the Committee to make progress with regard to the preparation of general recommendations to the States Parties, although a certain cautious and hesitant attitude remained. Consensus was reached that the Committee could indeed make suggestions and general recommendations, but the fundamental issue of their scope had not yet been finally settled.

256. The establishment of a standing in-session working group on ways and means of implementing article 21.1 at the Committee's sixth session in 1987, the development of procedures for preparing suggestions and general recommendations, and an evolving consensus as to the type of those statements, enabled the Committee to adopt a total of 6 suggestions and 21 general recommendations by the end of its thirteenth session.

257. The type and detail of the Committee's general recommendations have evolved steadily over the years. Its early recommendations are couched in general terms, and are similar in both style and language to resolutions of intergovernmental bodies. None of them is addressed to an individual State Party, and many are of a technical nature. General recommendation 19 of 1992 presents a dramatic departure in both form and content from the earlier practice.

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258. General recommendation 19, on the elimination of violence against women, is a very thorough, substantive and in-depth analysis of the subject in the framework of the Convention. Reflecting the views of the Committee based on the examination of many States Parties' reports, it provides careful recommendations for action to be taken by States Parties as to methods for its eradication and remedies which should be available to women who are victims of violence. It thus makes available to all States Parties the insights gained by the Committee in the discharge of its duties, and contributes to the progressive implementation of the Convention.

259. General recommendation 19 follows the practice of the Human Rights Committee and the Committee on Economic, Social, and Cultural Rights, and was warmly welcomed by States Parties, Member States of the United Nations, and women's rights groups alike. The Committee continued this practice at a subsequent session with the adoption of general recommendation 21 on equality in marriage and family relations. A general recommendation on articles 7 and 8, which is under preparation, is expected to follow a similar approach.

260. The Committee's general recommendations have become scholarly work with regard to their analytical quality and comprehensiveness. At the same time, they reflect the experience acquired by the Committee in reviewing the situation in many different countries, making it available to all States Parties. They clarify the meaning of the Convention, and thus contribute to its progressive implementation. Their aim is to assist States Parties and thereby improve the reporting system, as well as to provide more information on the rights set forth in the Convention. Although they are not binding, they have the effect of focusing attention on certain issues and concerns in the realization of women's equality. The Committee has thus followed the lead of other treaty bodies in the elaboration of detailed general recommendations based on the examination of States Parties' reports.

261. The Committee's efforts to prepare more substantive recommendations required additional support from its secretariat. Starting from its tenth session, the Committee had before it, as requested, an analysis prepared by the secretariat on specific issues or articles the Committee had identified for discussion. This background information has been critical for the preparation of a deeper analysis of issues. At the same time, the Committee, at the suggestion of its secretariat, drew up a long-term programme of work for the preparation of general recommendations, which replaced the procedure in place since its sixth session.

262. A list of all the suggestions and general recommendations adopted is contained in the appendix to chapter II.

The Committee's long-term programme of work under article 21.1

263. The Committee's new emphasis on substantive recommendations made it imperative to plan ahead so that the additional workload it created for the Division for the Advancement of Women could be absorbed into its regular work programme, or it could request additional resources. However no such additional resources have been made available thus far to cope with the requests for extensive pre-session documentation. The Committee, and the Division, have

continued to resolve these difficulties by clearly defining the needs and rationalizing working methods in order to maximize efficiency.

264. At its tenth session, a working paper prepared by a member of the Committee, including the future preparation of general recommendations, and a secretariat background paper on ways and means for expediting the work of the Committee, including proposals for the preparation of analysis of specific articles and general trends, served as a basis for rationalizing the Committee's future working methods. A secretariat proposal for greater coordination between the Committee's selection of articles and issues for general recommendations and the priority themes of the Commission on the Status of Women was, however, not endorsed by the Committee in order not to limit the independence of individual experts in any way.

265. The tenth session led to a major step forward in the Committee's development of a thorough and well-organized procedure for making general recommendations and the Committee's participation in international affairs. This process was further refined and completed during the two subsequent sessions of the Committee.

266. The Committee agreed on the articles on which it wished to prepare general recommendations over the next several years, which at the same time would constitute the Committee's contribution to international events and conferences. Thus, its general recommendation on violence against women was an input into the World Conference on Human Rights held in 1993, and on articles 9, 15 and 16, to the International Year of the Family, 1994. While the general recommendation on articles 7 and 8 is not yet completed, the Committee decided that at its fourteenth session in 1995 priority would be given to the preparation of a general recommendation on article 2.

267. For each of the articles or issues chosen, individual members assume responsibility for preparing a draft. The secretariat prepares an analytical paper in advance. These form the basis for discussion. The Committee requested the secretariat to prepare and coordinate additional material on the articles scheduled for consideration, including material from the United Nations agencies and non-governmental organizations, and to submit it to members. The Committee also established a coordinating mechanism in order to facilitate the work of those experts who are preparing drafts.

3. The Committee's contribution to international conferences and related matters

(a) Report of the Committee to the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 1985

268. The matter of a contribution by the Committee to the Nairobi Conference arose at the Committee's second session. Its recommendation to prepare a report on the achievements and obstacles experienced by States Parties in the implementation of the Convention was changed by the Economic and Social Council which directed the Secretary-General to prepare a compendium of information

based upon national reports in order to assist the Committee's contribution to the Conference.

269. The Committee set up a working group to revise the draft. Based on 18 States Parties' reports which had been reviewed at the time, the Committee grouped the information according to three country types: developed countries with market economies, countries with centrally planned economies, and developing countries. The information available was organized in accordance with subject areas rather than the individual articles of the Convention. It represents a picture of the achievements and obstacles experienced by 18 States Parties in the implementation of the Convention. As such, the Committee pointed out that the information provided was not representative of the situation of women in all the countries that had ratified the Convention at the time, which was 65.

(b) Other conferences and events

270. During its fifth session in 1986, the Committee, in the light of the General Assembly decision on cooperation in achieving the objectives of the International Year of Peace, adopted a resolution on the Year. It supported the objectives of the Year and called upon the States Parties to take steps to ensure the equal participation of women in all decision-making bodies. It appealed to all men and women to double their efforts in the matter.

271. With regard to the World Conference on Human Rights, the Committee at first called for the inclusion in the agenda of the Conference of the equal enjoyment by women of human rights and fundamental freedoms. The Committee stressed that the extent to which the issue of equality was addressed effectively by the implementation methods and mechanisms under human rights covenants and conventions needed to be considered. Furthermore, the Committee was interested in having the issue of reservations to human rights conventions addressed by the Conference.

272. In its suggestion 4, addressed to the Conference, the Committee requested, inter alia, that the Convention be placed on the same footing as other human rights treaties with regard to the amount of meeting time for its annual sessions; that the servicing of the Committee be provided by both the Centre for Human Rights and the Division for the Advancement of Women; and that the feasibility of drafting optional protocols to the Convention be examined.

273. General recommendation 19, on violence against women, had been prepared at a time that allowed it to be brought to the attention of the World Conference on Human Rights, which subsequently accorded high priority to the issue.

274. After the United Nations had declared 1994 the International Year of the Family, the Committee elaborated a general recommendation 21 on equality in marriage and family relations (articles 9, 15 and 16), which also served as the Committee's contribution to the Year.

275. The Committee carefully discussed its contribution to the Fourth World Conference on Women in 1995. It reviewed proposals submitted to it by the Secretariat and agreed that a report on progress achieved in the implementation

of the Convention would be its most useful contribution. The present report was adopted by the Committee for this purpose.

276. For the International Conference on Population and Development, the Committee prepared suggestion 6 addressed to the Conference.

277. The Committee discussed its participation in, and contribution to, the World Summit for Social Development.

D. The Committee in relation to other institutions and entities

1. Specialized agencies and other bodies of the United Nations system

278. The Committee's working relationship with entities of the United Nations system, particularly with the specialized agencies whose activities are relevant to the articles of the Convention, has changed markedly during the Committee's existence. While the Committee invited the agencies, from its second session onwards, to attend its sessions and to submit reports and other information, the Committee is now confidently seeking improved and more effective cooperation with, and contributions from, the agencies. It now receives on a regular basis information available within the agencies, such as ILO, WHO, UNESCO, the Food and Agriculture Organization of the United Nations (FAO), and others, when it considers the reports of States Parties, and for other activities.

279. In the preparation of general recommendations and suggestions, the input from agencies can also be very valuable. For example, general recommendation 11, on equal remuneration for work of equal value, benefited greatly from the assistance of ILO.

280. The Committee continues to explore ways and means to create a more systematic and structured cooperation with specialized agencies in the implementation of the Convention.

281. At its tenth session, the Committee, in a clear departure from its past practice, decided to provide opportunities for specialists from the specialized agencies and other United Nations bodies, as well as from non-governmental organizations, to present information related to specific articles of the Convention or to issues being considered for general recommendations, as appropriate. Such persons can be invited to participate as resource persons in the work of the working groups, which meet in closed session.

282. Moreover, the secretariat was asked to include in its analyses of articles information provided by other bodies of the United Nations and by specialized agencies and, when appropriate, to request them to prepare studies for the consideration of the Committee through the existing arrangements for inter-agency coordination.

2. Participation of non-governmental organizations

283. The Committee is aware of the potential of non-governmental organizations to collaborate with the Committee, and more broadly, with regard to the implementation of the Convention in the States Parties. Yet at the same time, few non-governmental organizations have attended the sessions of the Committee regularly, or provided information to its members.

284. In recent sessions, the Committee has considered this matter and has tried to find ways to remedy this situation. These efforts of the Committee are part of the current trend among all the human rights treaty bodies to solicit the input of non-governmental organizations. The fourth meeting of the persons chairing the human rights treaty bodies had also found non-governmental organization information essential to ensure effective performance.

3. Meetings of the persons chairing the human rights treaty bodies

285. The first of such meetings was convened in 1984, but no invitation was extended to the Chairperson of the Committee on the Elimination of Discrimination against Women. Subsequently, steps were taken by the Committee's secretariat to ensure the Committee's timely involvement in future meetings. Since 1988, the meetings have been held biennially and provided an opportunity for the chairpersons of all the human rights treaty bodies to discuss all aspects of concern in the implementation of the conventions, including those of a substantive, technical, financial and organizational/administrative nature. The meetings have adopted a number of general and specific recommendations and the reports are submitted to the General Assembly.

286. The chairperson of the Committee has participated in these meetings since 1988, and has brought the Committee's concern to the attention of the meeting. These have included: strengthening of the resources of the secretariat unit servicing the Committee; improvements and better coordination in the reporting system, including problems related to non-compliance with reporting obligations; closer liaison and cooperation between the Committee and the other human rights treaty bodies, including exchange of information provided by the States Parties; the role of non-governmental organizations; and increased publicity about the Convention and the Committee.

287. The Committee has in turn been briefed by its chairperson about the results of these meetings, and has expressed its general support for the conclusions and recommendations, especially on the consolidated guidelines, overdue reports, technical assistance and advisory services, staffing resources, the Manual on Human Rights Reporting, the establishment of a computerized database, access to and use of information by non-governmental organizations and specialized agencies and dissemination of information about the Convention and the work of the Committee.

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4. Relationship with individual treaty bodies

288. Apart from the biennial meetings of the chairpersons, there is currently no institutionalized mechanism of cooperation and coordination between the Committee and other human rights treaty bodies. As a consequence, the Committee has encouraged its members to follow the work of other treaty bodies and to maintain contacts with members of those bodies for the mutual exchange of information. Contrary to other human rights treaty bodies, the Committee has not, however, designated specific members to perform these tasks for the benefit of the Committee. The secretariat is requested to continue circulating all annual reports of other treaty bodies, as well as any other relevant documentation, in accordance with long-standing practice.

289. In recent years, the Committee has voiced its increasing concern about the exclusion of women's human rights issues from the work of the general human rights regime, and its isolation within the framework of the Convention. In order to remedy this situation, the Committee is now actively encouraging other treaty bodies to recognize women's human rights as part of a universal human rights responsibility, and to reflect this in their own work by using the Committee's work in the implementation of the Convention as a guide. General recommendation 19, on violence against women, was singled out as basis for monitoring situations of violence in States reporting under the general human rights regime.

290. The chairperson of the Committee, in order to remedy further the general lack of communication between the treaty bodies, has been entrusted by the Committee with sending a summary of the Committee's sessions to the chairpersons of other treaty bodies, including the general recommendations and other conclusions adopted by the Committee. The Committee's annual report will also be circulated to other committees.

291. More recently, a staff member of the Centre for Human Rights has briefed the Committee on relevant activities serviced by the Centre.

292. In the aftermath of the World Conference on Human Rights and its call for an integration of the human rights of women throughout the United Nations human rights activities, the Committee intends to contribute actively to improved coordination and cooperation with the other human rights treaty bodies.

E. The Committee in relation to the Commission on the Status of Women, the Economic and Social Council and the General Assembly

293. The Commission on the Status of Women prepared the first draft of the Convention on the Elimination of All Forms of Discrimination against Women in 1976, but there exists no institutional link between the intergovernmental body and the expert body beyond the submission of the Committee's report to the Commission "for its information" (article 21.2). The Committee receives regularly a report on the implications for its work of the priority themes considered by the Commission. At the same time, the ultimate goal of both

bodies is the realization of women's enjoyment of all their rights on a basis of equality with men - everywhere.

294. The Committee pursues its work within the framework of the Convention, which legally binds the States Parties. The Commission on the Status of Women aims at the implementation of the Nairobi Forward-looking Strategies which established the larger policy framework within which the Convention on the Elimination of All Forms of Discrimination against Women is implemented. As a global policy-making body, the Commission's recommendations reach all Member States of the United Nations. Therefore, it sets the general framework on women's advancement and reflects in its work the current trends and contemporary issues in the field. One priority goal under the Convention is to reach universal ratification without reservations by the year 2000.

295. The Committee submits its annual report to the General Assembly, through the Economic and Social Council. It also submits occasionally to the Council, for its approval, certain requests, such as its recent requests for additional meeting time to cope with the backlog of reports, or the establishment of a pre-session working group.

296. In a decision emanating from its sixth session in 1987, the Committee put a request to the United Nations system as a whole, and in particular the specialized agencies and the Commission on the Status of Women, to promote or undertake studies on the status of women under Islamic laws and customs and in particular on the status and equality of women in the family on issues such as marriage, divorce, custody and property rights and their participation in public life of the society, taking into consideration the principle of El Ijtihad in Islam. Following discussion, the Committee felt that it needed further clarification of the matter in order to discharge itself responsibly of its duties in the consideration of States Parties' reports.

297. The above request in the decision of the Committee was heavily criticized by the Economic and Social Council and the General Assembly with regard to its content, its legal basis and the competence of the Committee. Following a recommendation of the Council, the Assembly decided to take no action on the Committee's decision and instead requested the Committee to review its decision, taking into account views expressed at Council and General Assembly meetings.

298. At its seventh session, the Committee answered some of the views expressed and clarified the situation by illustrating the reasoning that had led to the request for the study. This had been done in good faith in order to gain better insight into the issue. The decision had arisen in relation to a number of reports, and as it affected many countries the Committee had requested a study instead of asking each country for the clarification.

F. The secretariat of the Committee

299. Substantive and technical/procedural servicing of the Committee has been provided by the Division for the Advancement of Women since the inception of the Committee. Notwithstanding the increasing workload and needs expressed by the Committee owing to its evolving mandate, no additional resources have been

provided to the Division from the regular budget. The responsibilities of the secretariat have gradually evolved from the purely technical servicing of the meetings and provision of a smooth flow of information to the performance of analytical work and the preparation of background material for the deliberations of the Committee.

300. In order to allow the secretariat to absorb the Committee's requests for pre-session documentation, the Committee developed a long-term programme of work to allow the secretariat to integrate, to the extent possible, the requests of the Committee into the regular work programme of the Division. Within its limited resources, the secretariat now regularly prepares a number of pre-session analytical documents for the Committee's consideration of reports; analytical background papers for the Committee's preparation of general recommendations and other activities; and reports on ways and means for expediting the work of the Committee, which also contain information on all aspects the secretariat believes need to be brought to the attention of the Committee.

301. The Division has over the years organized training programmes and provided advisory services to assist States Parties in implementing the Convention and, in particular, in meeting their reporting obligations. Over the period 1988-1992, a total of six advisory missions to individual countries have been organized by the Division for the Advancement of Women. Participants from a total of 87 countries have participated in regional seminars. The secretariat also contributes to the dissemination of information related to the Convention and the work of the Committee.

302. The joint servicing provided by the Division to both the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women has reinforced the many synergies that exist between the two bodies, while at the same time respecting their particularities. The expertise on women's and gender issues accumulated over the years has been of benefit to both bodies. Both aspects of the advancement of women, the legal aspects and the policy aspects, cannot, and should not, be seen in isolation. A strong and knowledgeable secretariat also facilitates the ability of both bodies to function as catalysts for women's issues, and to work for the mainstreaming of a gender perspective throughout the United Nations system and at the national level.

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Appendix

GENERAL RECOMMENDATIONS ADOPTED BY THE COMMITTEE

The complete text of the general recommendations is regularly made available in photocopied form by the Division. They have been included in a compilation of such statements of all the treaty bodies, issued by the Centre for Human Rights.

General recommendation 1 (fifth session, 1986): Initial reports

General recommendation 2 (sixth session, 1987): Preparation of initial reports

General recommendation 3 (sixth session, 1987): Implementation of article 5 of the Convention

General recommendation 4 (sixth session, 1987): Reservations

General recommendation 5 (seventh session, 1988): Temporary special measures

General recommendation 6 (seventh session, 1988): Effective national machinery and publicity

General recommendation 7 (seventh session, 1988): Resources

General recommendation 8 (seventh session, 1988): Implementation of article 8

General recommendation 9 (eighth session, 1989): Statistical data concerning the situation of women

General recommendation 10 (eighth session, 1989): Tenth anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women

General recommendation 11 (eighth session, 1989): Technical advisory services for reporting obligations

General recommendation 12 (eighth session, 1989): Violence against women

General recommendation 13 (eighth session, 1989): Equal remuneration for work of equal value

General recommendation 14 (ninth session, 1990): Female circumcision

General recommendation 15 (ninth session, 1990): Avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS)

General recommendation 16 (tenth session, 1991): Unpaid women workers in rural and urban family enterprises

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General recommendation 17 (tenth session, 1991): **Measurement and quantification of the unremunerated domestic activities of women and their recognition in the gross national product**

General recommendation 18 (tenth session, 1991): **Disabled women**

General recommendation 19 (eleventh session, 1992): **Violence against women**

General recommendation 20 (eleventh session, 1992): **Reservations to the Convention**

General recommendation 21 (thirteenth session, 1994): **Equality in marriage and family relations**

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III. NORMATIVE CONTENT AND IMPLEMENTATION OF THE ARTICLES OF THE CONVENTION IN THE PRACTICE OF THE COMMITTEE

303. Any attempt at conducting a comprehensive comparative analysis of the implementation of the Convention in the States Parties, based upon their reports submitted to the Committee for consideration, encounters inherent limitations resulting from the very nature of the reporting process. Reports vary enormously in length, depth and coverage of issues. They reflect the situation of women at a specific point in time, or over a limited period. The date of their submission depends on the date of ratification or accession to the Convention by the State Party. As a consequence, such an analysis of the implementation of the Convention would offer primarily the presentation of great diversity and of situations at almost the opposite ends of a spectrum, and only very general conclusions could be drawn. A comparative analysis of only a few selected reports from different regions would raise the difficulty of choosing certain reports over others, and would be of interest primarily for the countries chosen. This methodology would omit the experiences of other States Parties, thus limiting its overall relevance and impact.

304. Furthermore, a report on the second review and appraisal of the implementation of the Nairobi Forward-looking Strategies is being prepared for the Fourth World Conference on Women. The report will cover many of the rights protected by the Convention. It will assess the situation of women in identified areas of concern from a global perspective and over a certain period of time. The report will be based on a variety of sources of information, including the national reports prepared by Member States of the United Nations for the Conference.

305. On the other hand, the manner in which the Committee itself fulfils its responsibilities in monitoring the progressive implementation of the Convention in the States Parties is of a general interest since it provides insights into the Committee's approach to the rights protected under the Convention. It is suggested that by looking at the questions asked and issues raised over time by the Committee under the various articles during the constructive dialogue, its views about the nature of the States Parties' obligations under the Convention will emerge. Such an analysis would be based on the Committee's consideration of all reports, and thus be of potential interest to all current, as well as future, States Parties which have to present their reports to the Committee for its consideration.

306. Since its establishment and until its thirteenth session in 1994, the Committee has considered a large number of reports of States Parties: a total of 69 initial reports, 35 second periodic reports, 9 third periodic reports, and 7 combined reports, making a total of 120 reports.

307. It is therefore proposed that, instead of proceeding with a comparative analysis of States Parties reports, the Committee's approach to the consideration of the articles of the Convention be used as the basis for analysis. In reviewing questions asked and issues raised by the Committee with regard to an article in the course of the consideration of a large number of reports, the Committee's understanding as to what it considers to be the essence

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of concern in the implementation of an article will become apparent. Such a review would be expected not so much to reveal the progress made over time in the situation of women - an assessment that will be contained in the second review and appraisal - as to highlight the Committee's views of the content of the rights protected by the various articles.

308. The implementation of the provisions of the Convention is, as with any other international human rights instruments, a legal obligation of the States Parties, and they have primary responsibility in that regard. Yet since these obligations are established in the framework of international law, it is not solely a matter for a State party itself to decide whether compliance with these obligations has been achieved. The monitoring body established under the Convention, the Committee on the Elimination of Discrimination against Women, is called upon to determine whether a State Party is in compliance with its obligations.

309. Furthermore, many of the articles of the Convention require States Parties to take "all appropriate measures" to realize for women, on a basis of equality with men, the rights contained in the Convention. This formulation puts an added challenge to the Committee in determining State compliance.

310. The Committee's collective voice on the various articles of the Convention assumes particular importance at a time of increased interest in a rights-based approach to economic, social and cultural rights, and when implementation has taken priority over standard-setting. There is a growing need for a better understanding of the obligations incurred by States Parties under all human rights instruments so that compliance with international norms can be strengthened.

311. The Convention covers the full range of civil, political, economic, social and cultural rights of women. A comprehensive understanding of the normative content of many of the rights contained in the Convention has yet to emerge. The Committee's new emphasis on a more sustained supervision of the implementation of the Convention, through the adoption of concluding comments and the preparation of detailed general recommendations, already add to the greater clarity about States Parties' obligations. The general recommendations are based on the Committee's consideration of States Parties reports, and are therefore the essence of the Committee's experience gained with respect to an article or issue. In that sense, they contain what the Committee believes to be crucial with regard to the implementation of one article or issue.

312. The Committee's support in principle for an optional protocol introducing the right to petition, and which would arguably contribute to the understanding of the normative content of the Convention through the development of jurisprudence about the Convention, is additional proof of the Committee's resolve to shed further light on the normative content of the Convention and the resulting obligations of States Parties.

313. The Committee's monitoring function is determined to a large extent by the information provided to it by the reporting States. The questions asked during the constructive dialogue are the result of whatever a report says or does not say. As a consequence, the Committee has not consistently asked the same type

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of question under the same articles. A certain tendency to ask similar questions under several articles may be observed. This seems to indicate that the Committee's own view of the normative content of the individual provisions continues to evolve. While many articles are interrelated, there may be a "predominant" content and a related set of questions to be asked under each of them. Greater normative consistency and a more coherent approach to the meaning of the articles will contribute to better implementation.

314. The approach used in the present chapter, to look at the implementation of the Convention through the voice of the Committee, may also assist the Committee itself in future in the framing of its general recommendations by providing a first sketch of the issues it has itself raised over time.

315. The practice of the Committee under each article is reviewed under the following headings: (a) scope and general concerns of the article; (b) relationship to other articles; (c) core issues and strategies for implementation; (d) progressive implementation of the article; and (e) aspects for future consideration.

316. Point (a) summarizes briefly the text of the article; reference is made to relevant general recommendations adopted by the Committee. Point (b) shows to what extent the various articles of the Convention are interrelated. Point (c) is the main part of the analysis. It tries to summarize the major areas addressed, and questions asked, by the Committee over time. It does not claim to be an exhaustive list of questions or issues, but rather attempts to show the overall direction of the Committee's concern under an article. Many pertinent, important and detailed questions asked by the Committee refer to a very specific situation in a reporting State. Such questions were evaluated as indicators of the Committee's concern with regard to larger patterns or trends, and incorporated in the core issues. It also briefly reflects some of the major strategies the Committee has brought up with regard to the implementation of the article. Point (d) shows, as far as these are discernible, trends in the questions the Committee asks when considering initial, or subsequent reports. Point (e) lists very tentatively some of the issues that would benefit from further clarification by the Committee.

317. The analysis under each article is based on the questions asked by the Committee during the constructive dialogue with States Parties. Reference has also been made to the Manual on Human Rights Reporting.

318. The Committee has, as of its fourteenth session, adopted a total of 21 general recommendations. While some address technical and procedural matters, a number of them contribute substantially to the understanding of the normative content of the issue or articles they address. The development of the Committee's approach to the content of general recommendations has been described in some detail in chapter II.

319. The issue of reservations to the Convention remains a concern to the Committee as an impediment to implementation. Therefore, the Committee's efforts to ensure compliance in the light of reservations entered under the Convention are discussed in the present chapter.

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A. Reservations to the Convention

320. This issue has been a matter of concern to the Committee ever since its inception. The Convention deals explicitly with the entry and withdrawal of reservations. It also states that "a reservation incompatible with the object and purpose of the present Convention shall not be permitted" (article 28.2).

321. For many years, the Convention was the treaty with the largest number of substantive reservations of any of the human rights instruments. A number of these reservations have raised serious concerns not only in the Committee but also among some States Parties, which have objected to them as being incompatible with the object and purpose of the Convention. The Committee has routinely discussed the matter of reservations with reporting States, and has urged them to consider withdrawing them. The Committee has also looked at the matter of reservations in the larger framework of the United Nations human rights regime, and has contributed to a search for solutions in different forums.

322. During an early session, the Committee sought and obtained legal advice from the United Nations Secretariat, which specified that the purpose of reservations was determined by article 17 of the Convention, which did not give the Committee the competence to determine the incompatibility of reservations. As inadmissible reservations undoubtedly affected the implementation of the Convention, the Committee could comment on them in its reports. The Committee's subsequent reluctance to take an official stand on the matter gave way to its sense of duty under the Convention to monitor its progressive implementation. The Committee did, and continues to, recognize the authority of States Parties to evaluate the incompatibility of reservations.

323. In its general recommendation 4 of 1987, the Committee expressed its concern in relation to the significant number of reservations "that appeared to be incompatible with the object and purpose of the Convention". It urged the States Parties to reconsider such reservations with a view to withdrawing them.

324. A second general recommendation, 20 of 1992, put the issue of reservations under the Convention in relation to those under other conventions. Furthermore, the Committee recommended that, in connection with preparations for the World Conference on Human Rights, States Parties should raise the issue of reservations, especially with regard to their validity and legal effect, in the context of reservations to other human rights treaties; and reconsider such reservations to strengthen the implementation of all human rights treaties.

325. In 1993, the Committee gave its views to the Subcommission on Prevention of Discrimination and Protection of Minorities on the matter of obtaining an advisory opinion from the International Court of Justice on the validity and legal effect of reservations to the Convention. The Committee welcomed the suggestion and stated that its particular concern was to have an opinion that might assist Governments to reconsider their reservations with a view to withdrawing them.

[illegible] Rights, the Committee again [illegible] seriousness of the matter to the attention of the States Parties. The Committee also decided to amend its guidelines for the preparation of initial and subsequent periodic reports to indicate how the Committee would like States Parties which have entered reservations to report on them.

327. The new guidelines specify that those States Parties that have entered substantive reservations should report on them in each of their periodic reports. The Committee wishes to receive information on the existence of similar reservations entered under other conventions, their impact on national law and policy, the plans of the State Party to limit their effect, and any time plans for withdrawing them. It further agreed on a number of additional steps to address the matter. Lastly, the amended guidelines request States Parties which have entered general reservations that do not refer to a specific article of the Convention, or reservations to articles 2 and 3, to make a particular effort to report on the effect and interpretation of them, since the Committee "considers these to be incompatible with the object and purpose of the present Convention".

328. The Committee agreed on a number of additional steps to address the matter, including the provision of advice to States Parties on the withdrawal of reservations, to bring the Committee's concern to the attention of the Commission on the Status of Women, the Commission of Human Rights and to the other human rights treaty bodies, and a reflection of the Committee's views in the concluding comments on the consideration of a State Party's report, as appropriate.

B. Analysis of the articles of the Convention

1. Articles 1, 2 and 3

[Text to be added after the Committee's discussion of a general recommendation at its fourteenth session. The Committee will have before it an analytical paper prepared by the secretariat (CEDAW/C/1995/4).]

2. Article 4

[To be added after the discussion of article 2 at the fourteenth session.]

3. Article 5

(a) Scope and general concerns of article 5

329. Article 5 (a) stipulates that States Parties actively engage in a process of modifying social and cultural patterns of conduct of men and women with the goal of eliminating prejudices and practices based on notions of superiority or inferiority of either sex or on sex-role stereotyping. Article 5 (b) establishes that maternity has a social function, and it establishes the common

330. Article 5 recognizes the quintessential impact of culture and behaviour patterns on women's enjoyment of equality and non-discrimination. It also highlights the common responsibility of men and women in the upbringing of their children, thus recognizing that women's role as mothers continues to be a cause for stereotypical roles assumed by men and women.

331. The Convention thus requires States Parties to identify the types of behaviour that are in need of modification, and the means by which this can be accomplished.

(b) Relationship with other articles

332. The predetermined, sexually stereotyped role behaviour of men and women has an impact on women's enjoyment of all rights contained in the Convention and thus this article (as well as articles 1-4) must be taken into consideration in the implementation of all other articles of the Convention, with special emphasis on articles 10 (education), and 11 (employment).

(c) Core issues and strategies for implementation

333. Article 5, in its apparent defiance of strict legal analysis, puts a special burden on States Parties, as well as on the Committee, in the determination of the precise extent of the obligations incurred by the States Parties. Yet at the same time, women's de facto situation is strongly determined by traditions, customs and stereotypical behaviour that perpetuate discrimination and inequality. The Committee has stressed on many occasions that article 5 needs the special attention of the States Parties. Therefore, in its consideration of States Parties' reports, the Committee has endeavoured to establish with clarity the existing situation in States Parties, the measures taken, and the progress made towards the achievement of the goals put forward in this article.

334. Through its questioning, the Committee first of all attempts to establish the degree of awareness in, and by, the State Party that culture and tradition do indeed influence the behaviour of men and women, that is, to ensure that States Parties recognize the existence of discrimination based on cultural and social patterns of behaviour. Secondly, the Committee underlines the need to identify what type of traditional and cultural practices hamper women's advancement. Thirdly, the Committee tries to determine the extent to which such practices create an obstacle to women's equality and perpetuate their inequality. Subsequently, the Committee, through its questioning, establishes what measures the State Party has taken, or proposes to take, to modify social and cultural patterns of conduct that perpetuate, or create, ideas of inferiority or superiority of either sex, and to correct erroneous concepts about the superiority of one sex over the other.

335. Within the framework of these core parameters, the Committee attempts to establish the laws, policy, programmes and other measures that are in place to address general and specific aspects of social and cultural patterns of behaviour, and the impact, or lack thereof, that these have on the situation of women.

336. The Committee asks about those that are of a general nature and aim at structural changes and the overcoming of social behaviour detrimental to women. In this regard, the Committee may inquire about continuing sex stereotyping and male machismo and superiority; efforts or movements to change the consciousness of men and women; men's participation in equality work, as well as the role and influence of religion, including of the Catholic Church, towards equality between men and women. The second category comprises questions about specific and targeted measures in certain areas where stereotyped behaviour is either most pervasive, or most likely to be perpetuated.

337. The following specific areas are considered most regularly by the Committee under article 5: the role of education, the role of the mass media, stereotyping in employment, and the situation of male participation in household and family-related responsibilities.

338. Recognizing the pivotal role of education with regard to stereotyped assumptions of gender roles and the role of women in the family and society, the Committee inquires about educational content and specific measures taken by the States Parties. Educational models, in both formal schooling and familial settings, are looked at. Textbooks, curricula, the assignment of certain roles to boys and girls in the family, are all indicative of gender roles and require the particular attention of States Parties.

339. With regard to the mass media, the Committee has a special interest in the portrayal of women in the media. It asks about any relevant legislative or administrative oversight exercised by the State Party in that regard. Among the issues most commonly raised by the Committee are: the portrayal of women and of the female body in advertising; the utilization of the media in changing stereotyped roles and behaviour patterns; and the treatment of pornography in law and in media practice.

340. With regard to the existence and impact of stereotyping on women's employment, the issues most often raised by the Committee include the existence of sex-related job advertisements; its concern about perceptions that women's role and participation in the labour force are frequently seen as secondary, or expendable, when compared with men's; and job segregation and their identification with either sex.

341. With regard to the role of men in household and child-rearing tasks, the Committee commonly inquires about any existing family policies and their gender dimensions, and about any measures taken that ensure men's sharing of domestic and child-rearing responsibilities. The existence and use of parental leave for fathers are raised under this article.

342. Prejudices and attitudes detrimental to women are perpetuated through a multitude of socialization processes. They have an impact on many different aspects of women's lives, creating obstacles to their full integration into the mainstream of the economic, social, political and cultural life of a country. The Committee has therefore drawn the attention of States Parties to the need actively to take measures in various areas, and to monitor and assess their effectiveness and results.

343. Women's awareness of their rights as a strategy for change has been supported by the Committee, as have media and public information campaigns aimed at raising the awareness of men and women about equality issues. More specific measures, while also raised under this article, are reviewed below under articles 10 and 11.

(d) Progressive implementation of the article

344. The Committee's monitoring of compliance with this provision of the Convention over time aims primarily at an assessment of the impact of policies and programmes taken by the State Party, and any corrective or additional action that might have been taken. At the same time, the Committee will raise similar issues at any stage of a State Party's reporting cycle if it feels that no, or insufficient, information is provided, or that insufficient progress is made in implementation.

(e) Aspects for future consideration

345. The Committee has repeatedly stated that States Parties should pay special attention to this article. It has raised a great diversity of questions in an effort to discern change, trends and the attitude of the State party and its citizenry under this article. While it has made major efforts assessing the situation, and the measures and steps taken, the Committee may wish to further establish standards for performance by States which are indicative of compliance and spell out the specific obligations of the respective State Party under this article. To that end, the Committee could develop a clearer indication of what it considers to be "appropriate" - and, by extension, what would be "inappropriate" - in the framework of this article to give guidance to States Parties in the implementation of the Convention. The Committee is, for example, putting strong emphasis on the role of the mass media with regard to stereotyped roles. Consequently, it may wish to explore further the responsibility of States Parties to take specific steps in that regard, with due consideration to the relationship between freedom of speech and the right to non-discrimination. Similarly, the Committee raises the rôle of religion and its influence on men's and women's equality. The Committee might usefully further explore what it would consider to be appropriate measures to modify behaviour patterns detrimental to women if it finds that religion contributes to this situation, with due consideration being given to freedom of religion.

4. Article 6

(a) Scope and general concerns of article 6

346. Article 6 relates to the sexual abuse of women and requires States Parties to take all appropriate measures to suppress all forms of traffic in women and exploitation of prostitution of women.

347. This article is first and foremost directed towards those who profit from the sexual exploitation of women and of girls.

348. General recommendation 19 (eleventh session, 1992) on violence against women, and general recommendation 15 (ninth session, 1990) on AIDS are of relevance under this article.

(b) Relationship to other articles

349. Under article 2 (g) (penal law provisions), the regulation of prostitution is a concern. Article 12 (on health) is growing in relevance in conjunction with HIV/AIDS concerns.

(c) Core issues and strategies for implementation

350. As the exploitation of prostitution is commonly dealt with by States Parties in their reports, the Committee has put far greater emphasis on issues related to prostitution than on traffic in women.

351. With regard to prostitution, the Committee focuses on the legal situation, particularly prohibition, criminalization, prosecution and punishment, as it relates to the prostitute, the client, and any third person profiting from the prostitution of others. Law enforcement against prostitutes, and their clients, as well as against sex tourists, are areas monitored by the Committee.

352. In addressing the root causes that lead to prostitution, the Committee has emphasized the unacceptability of prostitution as a degrading condition for women, which is often caused by their economic and social status. It inquires into the extent of the problem, and about efforts to prevent and to eradicate prostitution, and the effectiveness of such measures. In this regard, specific information about existing or planned rehabilitation programmes, level of participation and effectiveness, and the means employed for monitoring them are of interest to the Committee.

353. In examining efforts towards the prevention of prostitution and the rehabilitation of prostitutes, the Committee stresses the need to protect, rehabilitate and integrate prostitutes in social life. Violence against prostitutes, especially also rape, possible links between alcohol and drug abuse and prostitution, and prostitution and AIDS are areas of concern to the Committee. It inquires into the existence of sex tourism, and into sanctions against customers.

354. Measures aimed at the general health status of prostitutes, their access to, and regular use of, health services is one specific area requiring attention, especially in the light of the threat posed by HIV/AIDS. This may include HIV/AIDS prevention programmes aimed at prostitutes, and condom distribution. The Committee is interested to know whether the rape of prostitutes carries the same penalty, and is prosecuted in a way similar to other rape cases.

355. The Committee has on occasion asked whether the State Party has ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and whether procuring and trafficking are problems in the reporting State.

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356. The Committee has on occasion raised questions about the existence of pornography, and the legal situation in that regard. It has requested information about any existing efforts against pornography and the exploitation of the female body.

(d) Progressive implementation of the article

357. The Committee has paid increasing attention to possible links between prostitution, the spread of HIV/AIDS, and its impact on the situation of women, as well as to the need for increased health protection for prostitutes because of AIDS. Preventive measures in that regard, particularly in light of general recommendation 15, are of particular concern to the Committee.

(e) Aspects for future consideration

358. While the Committee has adopted a detailed general recommendation on violence against women, which also addresses violence against women in the framework of article 6, there remain a number of issues connected to prostitution that the Committee may wish to clarify further so that individuals' rights can be protected and the obligations of States Parties more fully determined. For example, the Committee may wish to clarify the meaning of the term "traffic in women". In that regard, the Committee may explore the relationship between article 6 and the 1949 Convention. Similarly pertinent would be a further illustration of the Committee's understanding of the second part of the article, that is, the exploitation of prostitution of women, and States Parties' responsibilities to take all appropriate measures to suppress it. The Committee may wish to clarify what precisely States Parties are obliged to suppress - and, by contrast, what may not be suppressed - and what measures in penal or other laws are needed to fulfil this obligation.

359. The Committee has on occasion asked about pornography, the exploitation of the female body for commercial purposes, and existing standards of obscene and degrading images and the possible use of such standards to limit pornography. The Committee's guidance as to possible relationships between pornography and specific articles of the Convention, including article 6, and other internationally recognized human rights and fundamental freedoms, such as freedom of speech, and States Parties' obligations in that regard, would be very useful for the implementation of the Convention.

5. Articles 7 and 8

[Add the general recommendation currently under preparation.]

6. Article 9

360. Articles 9, 15 and 16 are the subject of general recommendation 21 on equality in marriage and family relations, adopted by the Committee at its thirteenth session. The text of this general recommendation is reproduced in conjunction with article 16 below.

7. Article 10

(a) Scope and general concerns of the article

361. Education is a powerful instrument of public action and can act as a catalyst for change at all levels for all women. Education and training in all their forms contribute to a transformation of power relations by giving women access to information, knowledge and skills.

362. Article 10 recognizes the importance of education in enabling women and men to participate on a level of equality in all aspects of private and public life, to compete in the workforce on equal terms, and to have an equal opportunity to gain economic independence. The article is unequivocal on the nature of females' equal right to education with males. It encompasses equality of access to the same (not equivalent) type and quality of education; and equality of opportunity in education.

363. The requirements of article 10 fall into two large categories: on the one hand, States Parties are required to ensure equality of access to the same type of education, and on the other they are required to implement policies aimed at changes in socio-cultural patterns through education in order to improve the status of women.

364. The article requires the same conditions for career and vocational guidance, for access to studies and the achievement of diplomas at all levels of schooling. It requests the same quality of education with regard to curricula, examinations, teaching staff and facilities; equal opportunities for scholarships and grants; and equal access to continuing education, including adult and functional literacy programmes. The article also addresses the need to reduce female student drop-out rates, and for special programmes for girls who leave school prematurely. It stresses that girls should be given the same opportunities to participate actively in sports and physical education. Recognizing the role of education in changing traditional behaviour, the article requires the elimination of stereotyped roles of men and women at all levels and in all aspects of education. The article requires States Parties to ensure, on a basis of equality of men and women, access to specific educational information to help ensure the health and well-being of families, including information and advice on family planning.

365. General recommendation 18 (tenth session, 1991), on disabled women, recommends that States Parties provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services, social security and to ensure that they can participate in all areas of social and cultural life.

366. General recommendation 14 (ninth session, 1990), on female circumcision, is relevant under this article (see below under article 12).

(b) Relationship to other articles

367. In its requirement to eliminate any stereotyped concepts of the roles of men and women, article 10 is closely connected to article 5 of the Convention. Article 11, covering the field of employment, is linked to education and training as they are the basis for women and girls to compete equally in the labour force. Similarly, article 12 requires women's equal access to health care services, including those related to family planning. The special situation of rural women is recognized in article 14; their training and educational needs are specifically highlighted.

(c) Core issues and strategies for implementation

368. In accordance with the twofold requirements of article 10, the Committee monitors: (a) women's and girls' equal access to education; (b) that the education provided is of the same type and quality; (c) States Parties' policies, programmes and specific action aimed at the achievement of the goal of equality in education; and (d) specific action to provide for the needs of women who have not had access to equal opportunity in the past, or of special groups of women, such as rural women.

369. Statistics are a very good indication of the overall educational situation prevailing in a State Party. Prima facie they also provide reliable information with regard to women's and girls' equal access to education of all types and at all levels. Consequently, the Committee has repeatedly encouraged States Parties to collect and to present to the Committee extensive statistical data, broken down by sex, on the overall educational situation prevailing in the country, and in particular with regard to women's and girls - compared with men's and boys' - overall literacy rates, percentage at pre-school, primary, secondary, tertiary, technical, professional and higher technical education, and in vocational training, as well as the percentage of females graduating from any educational establishment as compared with males. Such statistical information should also assess any differences between women in general and certain, usually disadvantaged, groups of women, such as rural women, migrant and immigrant women, disabled women, or older women. The Committee further seeks information on the number and percentage of women teachers at different levels and disciplines, as well as the number of women in policy- and decision-making positions in government and educational establishments, as possible indicators for continuing stereotyped roles, and the persistence of inequality in access and quality of education. Indicators such as overall and per capita expenditure in education at different levels are illustrative of a country's overall educational policy and philosophy.

370. In assessing women's and girls' access to education, the Committee stresses the need to examine the causes for any persisting inequalities. It asks about the use of positive or affirmative action as a strategy for achieving equality of access to education for women and girls.

371. The Committee asks about the quality of education offered to females and males. In cases where co-education does not exist, or exists only in a limited manner, the Committee seeks information on the functioning of the educational system, on the mechanisms that are in place to ensure that boys and girls obtain the same education, and about any plans to integrate the educational system.

372. The content of teaching materials and of teaching methods are areas the Committee routinely examines for their stereotyped concepts of the roles of men and women. Educational content and its possible perpetuation of discriminatory customs and tradition, on the one hand, and its potential for changing attitudes with regard to stereotyped roles of men and women, on the other, requires particular attention. The Committee asks about the content of teacher training and teaching methodologies, and how it contributes to overcoming and eliminating stereotypes.

373. The Committee is also especially concerned about the impact of the quality, type and relevance of education received by women with regard to their implications for women's employment, career prospects, and ability to enter non-traditional fields.

374. The Committee routinely establishes the causes for unequal educational attainment of women, which may be found in tradition and customs, economic circumstances, insufficient attention to, and effort in, providing equal access to the same type of education for women and girls, or also a lack of understanding of the importance of education for women and girls.

375. Women's and girls' unequal participation in education, and especially their drop-out rates, are frequently caused by social and cultural factors, including early marriage, child birth, and higher value accorded to education for boys, as well as irrelevancy of educational content to women. Economic factors, such as the cost of education, accessibility and economic hardship, are also factors which influence girls' and women's educational opportunities and choices. The Committee assesses the existence and impact of such factors, and any existing policies and measures to counteract them.

376. The Committee monitors the consequences of such inequality, which may be found in unequal opportunity in the labour force, in participation in decision-making in public and in private life, and in women's unequal enjoyment of their rights in many areas.

377. The Committee welcomes the existence of literacy campaigns and continuing adult education programmes, but underlines that they need to be monitored and assessed carefully with regard to their impact on the overall goal of eliminating and preventing educational inequality between men and women. Women's ability to take advantage of such programmes also needs to be monitored.

378. The Committee asks about the availability, nature and target group of sex education, the existence of specific programmes in family planning and family health, and methods used for their popularization.

379. The Committee asks routinely about the ability of rural women to benefit from educational efforts, including training and extension services, and about the existence and impact of special programmes for them.

380. Women's and girls' ability to participate in sports without discrimination, and the policy in place to realize this right, is also raised by the Committee.

381. The Committee has on occasion discussed the desirability of efforts to allow women to enter military academies.

382. The Committee asks about strategies in place in any of the core issues identified. In particular, it asks about efforts in place to raise the participation in, and level of, education of women and girls, the results of, and experience gained in that respect, and measures to monitor the effectiveness of such strategies in achieving specified aims.

383. In examining fields of studies as well as career and professional decisions, a strong concentration of women and girls in certain fields - and men and boys in certain others - is frequently indicative of the continuing existence of stereotypical roles for either sex. Thus, the Committee inquires about the existence of specific measures and concrete steps taken to encourage women and girls to enter non-traditional fields of study and occupation, and to pursue schooling beyond compulsory education. The content of teaching materials is likewise often a cause of concern as it tends to perpetuate educational and occupational segregation through stereotypical images of men and women presented in it. Thus, the Committee inquires about policies in place, and specific action undertaken, that would ensure women's free choice of profession, including the choice of non-traditional fields. Any revisions of curricula and textbooks to eliminate stereotyped role portrayals for men and women, planned or implemented, should be reported to the Committee.

(d) Progressive implementation of the article

384. The Committee stresses the need for a continuing evaluation, and requisite correction, of policies, programmes and projects in place to realize the rights protected under this article, with regard to both women's and girls' overall literacy rates and their participation in education and training, and the elimination of stereotypes and the changing of socio-cultural patterns of behaviour. In addition to such general trends, the Committee focuses on areas and aspects that require additional attention and measures. Recently, the Committee has examined the impact of structural adjustment measures on education, and educational measures to provide information about HIV/AIDS.

(e) Aspects for future consideration

385. Article 10 of the Convention establishes that States Parties have an obligation to eliminate discrimination against women in the field of education. To that end, they are to ensure women's and girls' equality of access to the same type and quality of education, including life-long education. This goal is to be pursued by all appropriate measures. The Committee may assist States Parties in complying with their obligations by further clarifying a possible minimum content of this article, which includes States Parties' responsibility

to ensure equality of opportunity, as well as to ensure equality of result. The Convention refers repeatedly to the right to the same access and same opportunities. Yet there may be instances where sameness will not suffice to overcome inherently discriminatory structures. The Committee might usefully indicate whether, and to what extent, positive or affirmative action in the framework of article 4 would have to be taken under article 10 to ensure compliance.

386. Efforts such as the World Conference on Education for All: Meeting Basic Learning Needs, held at Jomtien, Thailand in 1990, drew attention to the gender gap in educational opportunities. It called in particular for the elimination of all gender stereotyping in education, thus reiterating a provision of the Convention. A more comprehensive treatment of the need to eliminating stereotyped concepts from, and through education, based on the Committee's experience and in the light of other global developments, could most usefully assist States Parties in the implementation of their treaty obligations.

8. Article 11

(a) Scope and general concerns of the article

387. The article addresses three major aspects of women's right to non-discrimination in the field of employment: their rights in employment; the prevention of discrimination in employment on the grounds of marriage or maternity; and aspects related to protective legislation.

388. Paragraph 1 of the article starts with the affirmation that women have the right to work as an inalienable right of all human beings. Consequently, the Convention recognizes the fundamental importance of women's right to work in gainful and freely chosen employment, a right to which no legal restrictions may apply. In the exercise of this right, legally women do not require the permission of a father, spouse or other male relative. The paragraph continues with a detailed enumeration of women's equal rights in employment, including to the same employment opportunities; to equality of conditions during employment, including training; to equal pay, including benefits; to social security; and to health and safety, including the safeguarding of the function of reproduction.

389. Paragraph 2 of the article establishes that States Parties have an obligation to prevent discrimination in employment on grounds of marriage or maternity. This entails in particular women's right not to be subject to dismissal because of marital status or pregnancy. States Parties further agree to introduce paid maternity leave or to accord to women comparable social benefits without loss of, *inter alia*, former employment or seniority. Furthermore, the paragraph addresses the need for supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life. Finally, special protection is to be accorded to pregnant women in types of work proved to be harmful to them.

390. Paragraph 3 requires that protective legislation in areas covered by the article shall be kept under review and adapted in the light of scientific and technological developments.

391. Several general recommendations adopted by the Committee cover issues falling under this article. General recommendation 13 (eighth session, 1989) on equal pay for work of equal value, recommended, inter alia, that States Parties ratify ILO Convention No. 100; that they should consider the study, development and adoption of job evaluation systems based on gender-neutral criteria that would facilitate the comparison of the value of those jobs of a different nature, in which women predominate at present, with those jobs in which men predominate at present and they should include the results achieved in their reports to the Committee; and they should support, as far as practicable, the creation of implementation machinery and encourage the efforts of the Parties to collective agreements, where they apply, to ensure the application of the principle of equal remuneration for work of equal value.

392. General recommendation 16 (tenth session, 1991) on unpaid women workers in rural and urban family enterprises, recommended that States Parties include in their reports information on the legal and social situation of unpaid women working in family enterprises; that they collect statistical data on women who work without payment, social security and social benefits in enterprises owned by a family member, and include those data in their reports to the Committee; and that they take the necessary steps to guarantee payment, social security and social benefits for women who work without such benefits in enterprises owned by a family member.

393. General recommendation 17 (tenth session, 1991), on the measurement and quantification of the unremunerated domestic activities of women and their recognition in the gross national product (GNP), recommended, inter alia, that States Parties support and undertake research in this area; take steps to quantify and include such work in the GNP; and include in their reports information on any research and studies undertaken and any progress made in the incorporation of the unremunerated domestic activities of women in national accounts.

394. General recommendation 18, on disabled women, is also relevant under article 11.

(b) Relationship to other articles

395. Article 10, covering education, is linked to women's equal rights in the field of employment in several ways: education and training provide the basis for women and girls to compete equally in access to employment, as well as in the labour force itself with regard to skills, career options, promotions, etc.; education is also a key element in enabling women to choose employment beyond traditional female employment areas. In that regard, article 5 (a), calling for modification of prejudicial behaviour patterns, is also relevant. Article 5 (b) stresses the common responsibility of men and women in child-rearing; this requirement is echoed in article 11.2 (c), which calls for an enabling environment allowing parents to combine family and work obligations. Article 4, providing for temporary special measures, applies to article 11 when it is aimed at accelerating de facto equality in the field of employment. To the extent that article 11 addresses health matters related to pregnancy in employment, the link to article 12 should be made. Article 13 covers additional aspects of women's same right to family benefits beyond those connected with

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employment-related benefits. Furthermore, articles 7 and 8 have been discussed from an employment perspective.

(c) Core issues and strategies

396. The detail and extent of questions asked by the Committee under this article and each of its subheadings seem to indicate that it considers this article to be of pivotal importance to the achievement of the overall goals of the Convention. This thorough consideration may also be indicative of the fact that full implementation of this article is not yet realized in many of the States Parties.

397. The Committee, while asking questions under each of the subheadings, focuses on the following major aspects: (a) women's access to the same employment and employment opportunities; (b) women's equal treatment in employment; (c) child-bearing and child-rearing and their impact on women's employment; and (d) protective legislation and its potential for discrimination.

398. While women's right to work as an inalienable right of all human beings is rarely an issue, the realization of women's access to the same employment and employment opportunities is a major concern of the Committee. It relates the overall economic situation of a country to women's employment and monitors the effects that major changes at the macro level (privatization, recession, economic adjustment, etc.) have on women's access to employment. The Committee examines the prevalent image of women that exists in the country, whether women continue to be associated primarily with motherhood and domestic tasks, and what policy exists with regard to their participation in the labour market. The Committee examines whether hidden discrimination continues to be an obstacle with regard to women's employment rights.

399. A prima facie assessment of the de facto situation with regard to women's employment rights is usually done through the examination of statistical material, disaggregated by sex, on the number of women in the overall formal labour force, the participation of women by occupational classes and at different levels, in particular also in the higher levels of management and decision-making, in skilled and unskilled work, and in the public and the private sector of the economy. Women's unemployment, underemployment, part-time work, home employment and share in the informal sector are likewise indicative of women's access to, and opportunities in, the labour market.

400. These aspects are examined for their causes, which may be found as much in social as in economic constraints, their consequences, and the measures taken to remedy the situation. The Committee also examines whether there is a link between certain types of predominantly female employment and women's enjoyment of work-related benefits, such as unemployment, social security, health and pension benefits.

401. A crucial issue for the Committee is the de jure, but in particular the de facto situation with regard to women's right to equal pay for equal work and work of equal value. Wage comparisons and wage differentials within occupational groups, as well as between occupational groups dominated by either men or women, and the de facto difference in women's remuneration to men's are a

constant concern of the Committee. In that regard, the Committee stresses the need to establish criteria for comparing female-dominated jobs with male-dominated jobs in order to obtain gender-neutral evaluations.

402. Social benefits connected with work include in general unemployment, pension and retirement benefits. Benefits remain frequently steeped in the traditional division of labour between men and women, which cast men in the role of breadwinners. As a consequence, the Committee inquires about women's independent right to a pension, and whether time spent in reproductive work is counted towards pension benefits. It inquires about working women's ability to extend their benefits to spouse and/or children. It inquires regularly about retirement ages for men and for women, and requires a detailed explanation as to why, as is often the case, different standards apply.

403. The Committee asks about legal remedies available to women against employment-related discrimination, the number and results of cases brought under such legislation, and any legislative or regulatory consequences derived therefrom.

404. Among the areas the Committee considers, either under this article or under the relevant provisions of article 11, are the existence of vocational and professional guidance, particularly if it is geared towards non-traditional employment for women, the availability and use of training programmes during employment, the use of new technologies, and the existence of specific measures to increase their use by, and usefulness to, women.

405. Women's ability to participate in the labour market is strongly influenced by their reproductive responsibilities, which go beyond the bearing and rearing of children and include care for other dependants, and the management and implementation of household tasks. In that connection, the Committee's concerns are twofold: on the one hand, it examines the law and practice in place with regard to employment and pregnancy and maternity, and on the other hand, the Committee determines to what extent an enabling environment exists that would allow women to combine family and work responsibilities.

406. The Committee inquires about existing legislation, including legal remedies and sanctions, that protects women against discrimination because of maternity. The existence and length of (paid) maternity, as well as of paternity leave, the number of women and men taking advantage of such leave, its mandatory or voluntary character, and its availability in public sector and private sector employment, are relevant under this article. To the extent that paid maternity and/or paternity leave exists, the Committee inquires about the amount, and the source of its funding. The Committee ascertains whether women's marital status has an impact in any way on their employment rights. Job applications and recruitment practices for women, including for pregnant women, are areas in need of careful monitoring for discriminatory practices.

407. With regard to the existence of an enabling environment, the Committee assesses the availability and accessibility of child-care facilities, their costs and affordability. Men's participation in reproductive tasks, expressed in particular in the availability of paternal leave and men's actual use of such leave, are indicative of whether traditional roles for men and women are still

largely in place, or whether change is occurring. Men's sharing of household work, and any efforts of the State Party to equalize the burden, are areas of inquiry.

408. The Committee pays careful attention to possible conflict and discrimination caused by protective, sometimes over-protective, labour legislation and maternity protection. Such legislation can have the consequence of keeping women out of better paid work, or out of the paid labour market altogether. The prohibition of certain types of work, such as night-time or weekend work, often also ostensibly for health and pregnancy-related reasons, is scrutinized very carefully and examined as to the possible violation of women's employment rights. In that regard, the Committee requires the State Party's explanation of why certain work is harmful or dangerous for women, but not for men. Similarly, the classification in law or policy of women as special types of workers raises the concerns of the Committee as it is often indicative of hidden employment discrimination. The impact of women's maternity leave on their professional career, promotion and similar advancement is reviewed.

409. While the Committee examines the overall legislative and policy framework in place in States Parties with regard to women's employment rights, it emphasizes the need to monitor carefully the implementation of applicable legislative and administrative provisions and to take corrective action, as appropriate. The Committee stresses the need to monitor women's working conditions based on applicable international law, especially ILO conventions, in all sectors of the economy, including the private sector, and their effective enforcement. In that regard, the Committee is also interested in the existence of possible incentives for the private sector to use temporary special measures, and to work actively towards the achievement by women of de facto equal rights with men in employment.

410. The Committee asks about the role labour unions play with regard to women and employment, whether, for example, they are supportive of women's discrimination complaints, or have taken up equality concerns in their agenda.

411. In the field of women's employment, the Committee underlines the need to ensure that certain groups of women, such as rural women, women working in the informal sector, as domestic servants, migrant women workers, female headed-households, which are particularly unprotected and subject to discrimination, are being given due attention in a State Party's effort to implement the Convention. The Committee has paid particular attention to women in the informal sector and their contribution to the economy, and inquires about existing efforts for including this workforce in official labour statistics.

412. The Committee asks about the incidence, policies and measures in place to deal with sexual harassment in the workplace.

413. To the extent that existing military and defence forces exclude the participation of women in part or altogether, the Committee requests an explanation of the reasons for such a situation.

414. The Committee has on occasion raised questions about the structure of the (income) tax system, whether it encourages or discourages women's gainful

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employment, and whether married and unmarried working women are treated differently for tax purposes. The potential for discrimination in that regard is one of the Committee's concerns. This matter also comes up under article 13.

415. The Committee asks about strategies and measures in place in any of the identified core issues. In particular, it asks about efforts in place to realize the principle of equal pay for equal work and work of equal value, and efforts to overcome any traditional occupational segregation of the labour force to realize women's right to free choice of profession and employment, including in non-traditional and new areas of employment. As women's reproductive function and their responsibilities for household work remain a cause for women's unequal enjoyment of their right to work and in employment, any measures aimed at creating a supportive environment, and applicable to public sector and to private sector employment, and the experience with such measures, are reviewed by the Committee.

(d) Progressive implementation of the article

416. In the consideration of second and subsequent reports, the Committee focuses on establishing a more complete picture of the situation in the reporting State, particularly with regard to those issues that had been insufficiently dealt with in earlier reports. Furthermore, the Committee monitors the experience gained and results obtained with regard to measures taken to eliminate discrimination against women in the field of employment. It stresses the need for States Parties to continue evaluating and, if necessary, revise and adapt such measures to bring them in line with changing circumstances. In that regard, the specific requirement contained in article 11 with regard to revisions of protective legislation in the light of scientific and technological knowledge is being given careful attention.

(e) Aspects for future consideration

417. Article 11 establishes that States Parties have an obligation to eliminate discrimination against women in the field of employment. To that end, they are to ensure women's equal right to work, to equality of opportunity and treatment in employment or occupation, irrespective of marital status or maternity. This goal is to be pursued by all appropriate measures.

418. Women's ability to seek and hold freely chosen gainful and meaningful employment is a fundamental prerequisite for their economic independence and individual well-being. It may be of assistance to States Parties in implementing this article of the Convention if the Committee could further spell out the States Parties' obligation in ensuring women's freedom of choice of employment, and equal treatment in employment or occupation. The Committee could, for example, determine with greater clarity States' responsibilities in fulfilling their obligations with regard to issues raised previously by the Committee in general recommendations, especially on equal pay for work of equal value, to ensure to women their right to equal remuneration.

419. Protective legislation is explicitly allowed for under this article, yet the Committee has repeatedly voiced its concern that certain measures may be, or indeed are, discriminatory. It would be helpful if the Committee could provide

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clear guidance in this regard in order to facilitate compliance with the provisions of the Convention.

420. The overall economic situation of a country, and especially economic hardship, reinforced by stereotyped views of men's and women's roles in the family and in society, exert on occasion particular pressure on women's ability to enjoy employment rights protected under the Convention. Yet it would appear that the obligations of States Parties with regard to women's equal rights in employment must be monitored with particular attention in difficult situations in order to prevent an erosion of those rights. The obligations of States Parties, especially under difficult circumstances, could be further elaborated upon to clearly establish a minimum threshold of compliance.

9. Article 12

(a) Scope and general concerns of the article

421. Discrimination against women often has adverse effects on their health status. In turn, women's health status is closely linked to the health status of their families, and thus of society. Women are commonly users of health services, and providers of basic health services for their families.

422. Article 12 of the Convention entitles women to equal access to health-care services, including those related to family planning. It also seeks to ensure to women particular services in relation to pregnancy and childbirth. States Parties are required to take all appropriate measures to ensure to women the enjoyment of this right without discrimination.

423. General recommendation 14 (ninth session, 1990), on female circumcision, recommended that States Parties take appropriate and effective measures with a view to eradicating the practice of female circumcision. The Committee stated that such measures could include: the collection and dissemination by universities, medical or nursing associations, national women's organizations or other bodies of basic data about such traditional practices; the support of women's organizations at the national and local levels for the elimination of female circumcision and other practices harmful to women; encouraging politicians, professionals, religious and community leaders at all levels, including the media and the arts, to cooperate in influencing attitudes towards the eradication of female circumcision; and the introduction of appropriate educational and training programmes and seminars based on research findings about the problems arising from female circumcision. The Committee further recommended that States Parties include in their national health policies appropriate strategies aimed at eradicating female circumcision in public health care: such strategies could include the special responsibility of health personnel, including traditional birth attendants, to explain the harmful effects of female circumcision; that they invite assistance, information and advice from the appropriate organizations of the United Nations system to support and assist efforts being deployed to eliminate harmful traditional practices; and that they include in their reports information about measures taken to eliminate female circumcision, under articles 10 and 12 of the Convention.

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424. General recommendation 15 (ninth session, 1990), on the avoidance of discrimination against women in national strategies for the prevention and control of AIDS, recommends that States Parties intensify efforts in disseminating information to increase public awareness of the risk of HIV infection and AIDS, especially in women and children, and of its effects on them; that programmes to combat AIDS should give special attention to the rights and needs of women and children, and to factors relating to the reproductive role of women and their subordinate position in some societies which make them especially vulnerable to HIV infection; that States Parties ensure the active participation of women in primary health care and take measures to enhance their role as care providers, health workers and educators in the prevention of infection with HIV; and that all States Parties include in their reports (under article 12) information on the effects of AIDS on the situation of women and on the action taken to cater for the needs of those women who are infected and to prevent specific discrimination against women in response to AIDS.

(b) Relationship to other articles

425. While article 12 deals with women's right to non-discriminatory access to health services, article 11.1 (f) addresses specifically their right to health protection and to safety in working conditions, including the safeguarding of the function of reproduction. Women's right to education (article 10) includes their right of access to specific educational information on the health and well-being of families, including information and advice on family planning. Rural women's access to health care is dealt with under article 14. Article 16.1 (e) is also relevant.

(c) Core issues and strategies

426. In its consideration of States Parties' reports under article 12, the Committee has focused on women's general health status, and on women's health in conjunction with their reproductive function.

427. The Committee inquires about the general health policy in place in the State Party. On the basis of information on female mortality, especially maternal mortality, the Committee examines women's overall health status. It monitors trends in birth and fertility rates, and in women's life expectancy. It asks about the existence of medical services for women, and their availability for urban and rural women, the cost of such services, and their affordability. It also asks about the possible impact of overall economic circumstances on the availability and accessibility to women of health-care services.

428. Regarding women's health in conjunction with their reproductive function, the Committee approaches the issue from different angles. It seeks information about any family planning policy in place in the State Party. The availability and accessibility of family planning services and of contraceptives, as well as of information about them, their nature and scope, and their utilization by various groups of women are considered. The Committee is interested to know to what extent family planning services are geared towards women only, or whether they also try to reach men. The Committee looks at prevalent family planning methods, and the percentage of women and couples practising family planning and

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using contraceptives. Women's freedom to use and to choose such services, and their cost, are being considered. In that respect, the Committee considers whether there are any differences in access and use by women according to age group, social status, marital status, and by urban and rural women. The Committee asks about whether sex education is part of the educational curriculum, and whether young people have access in privacy to contraceptive advice.

429. Women's access to medical services and care in conjunction with pregnancy and childbirth are reviewed, and information about the existence of any maternal and child welfare programmes is relevant. The existence and scope of maternity benefits and leave, as well as the number of women who have access to them and can in practice use them, are indicators regarding the implementation of the Convention, and are considered by the Committee.

430. The Committee habitually raises questions about the laws in place with regard to abortion in States Parties. It determines whether abortion is legal and if so, whether, and what kind of, legal restrictions there are, and what sanctions are imposed in case of violation of the law, with regard to both the woman and the provider, and whether illegal abortions are performed. To the extent that abortion is not legal, the Committee inquires about the number of illegal abortions, and sanctions connected with it. In either case, the Committee inquires about the health impact on women, and about measures in place, or planned, to prevent unwanted pregnancies. The Committee inquires about the opinion of the general public, and of women and women's groups, with regard to abortion.

431. The Committee asks about the existence of traditional practices harmful to the health of women and whether any programmes are in place in that regard.

432. Drug abuse and drug addiction of women pose serious health problems, and the Committee asks about any measures in place in that regard.

433. The Committee inquires about the prevalence of HIV/AIDS in the country, and its impact on women's health. The Committee may inquire about any protective measures geared towards prostitutes as a particularly vulnerable group.

434. The Committee asks about the State Party's approach to, and regulation of, new technologies with regard to human reproduction.

435. In conjunction with article 11, the Committee asks about the incidence of work-related accidents and diseases of women.

436. The health situation of certain vulnerable groups of women, such as immigrant women, and their access to health-care services has been raised by the Committee.

437. The Committee asks whether prevention and early detection programmes exist with regard to diseases such as breast cancer.

438. Strategies under this article that are encouraged by the Committee include improved access by women to health services through improved accessibility,

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better coverage and affordability. They should include increased availability, accessibility and distribution of information on family planning in different media and outlets.

(d) Progressive implementation of the article

439. The Committee monitors developments in States Parties with regard to abortion. Women's reproductive health, and changes in access to, and use of, family planning are areas monitored over time. The Committee is addressing AIDS/HIV as a growing threat to women's health. It looks into technological advances in medicine and its impact on women.

(e) Aspects for future consideration

440. The article puts special emphasis on women's health in conjunction with their reproductive function, and in its monitoring of implementation the Committee has likewise focused on these aspects. The article does, however, require States Parties to ensure to women equal access to health-care services. A further discussion of this broader requirement by the Committee could improve implementation of the article. In this regard, the general orientation of medical and health services, of research and technology and its relevance for women could be further assessed so that compliance could be determined. With regard to women's reproductive health, the Committee may wish to clarify the specific obligations of States Parties in terms of legal basis, and of practical steps to ensure women's right to access to services related to family planning.

10. Article 13

(a) Scope and general concerns of the article

441. This article ensures to women equality in all other areas of economic and social life not covered under other articles of the Convention. Three areas are mentioned in particular: women's right to family benefits; their right to bank loans, mortgages and other forms of financial credit; and their right to participate in recreational activities, sports and all aspects of cultural life.

(b) Relationship to other articles

442. Women's equal rights to employment-related benefits are dealt with under article 11. Article 10, on education, includes women's equal opportunity to participate actively in sports and physical education. Articles 10 and 11 are relevant to women's right to participate in all aspects of cultural life.

(c) Core issues and strategies for implementation

443. As some of the issues covered under this article are taken up elsewhere by the Committee, the number of issues raised here have over the years been limited to a selected group.

444. Women's right, expressed particularly through women's access to, credits, loans and other financial means is a primary concern of the Committee under this

article. In that regard, the Committee asks about any restrictions that might be imposed on this right on the basis of women's marital status, or their ability to conclude contracts or own property independently from a male spouse or relative. The Committee asks whether the types and amounts of loans or credits available meet the needs of women who seek them. Women's right to own and to inherit land and other assets is reviewed under this article.

445. A second issue the Committee raises under this article relates to tax systems in place in States Parties. In that regard, the Committee asks about the structure of, in particular, the income tax system, whether spouses file taxes separately or jointly, and whether the tax system encourages or discourages women's, especially married women's, participation in the paid labour market.

446. The third area of inquiry of the Committee relates to benefits available to women who do not hold paid employment, or who work in the informal sector. This includes the question whether women qualify for certain benefits as dependants or not.

447. Under the above issues, the relevance of women's marital status in the enjoyment of the right has been examined regularly.

448. The Committee asks about measures in place, or planned, and experience gained in that regard, to eliminate discrimination in the areas covered by the article, particularly with regard to the elimination of discrimination on the basis of women's marital status. Measures to extend family and other social benefits to women working in the informal and non-monetized sectors of the economy are another concern of the Committee.

(d) Progressive implementation of the article

449. The Committee monitors changes with regard to the legal and the de facto situation in terms of women's access and opportunity to enjoy their rights covered by the article.

(e) Aspects for future consideration

450. Women's and girls' right to participate actively in recreational activities, in sports and in all aspects of cultural life, under both articles 13 and 10, is an integral part of the Convention, a legal right, and an important aspect of the full development and advancement of women. Further clarification from the Committee as to how this right should be implemented might assist States Parties in fulfilling their treaty obligations.

451. Women's rights to social and family benefits, especially those granted independently from employment in the formal sector of the economy, are sometimes linked to their status as spouses or dependants of male relatives. Women's work in the informal and non-monetized sector of the economy, in part-time and other limited-engagement work usually also has repercussions on their rights to social and other benefits. Yet for many reasons women choose or accept such activities. The Committee may wish to examine the ramifications of such economic and social circumstances on women's enjoyment of their rights, and

States Parties' obligations in that regard to facilitate compliance with the Convention.

11. Article 14

(a) Scope and general concerns of the article

452. Article 14, for the first time in an international human rights instrument, recognizes the problems faced by rural women as a clearly defined group of women, and establishes an obligation for States Parties to ensure the application of the provisions of the Convention to them and to ensure rural women's right to participate in and benefit from rural development.

453. After establishing this general obligation for States Parties, the Convention adds a non-exhaustive list of rights to which rural women are entitled, and which States Parties are obliged to ensure. These include the right to participate in development planning, and to participate in all community activities. It includes several rights which are also, although in somewhat different form, contained in other articles of the Convention, and adapted to correspond more fully with the situation of rural women. They include: (a) the right to have access to adequate health care facilities, including family planning; (b) the right to benefit directly from social security programmes; (c) the right to obtain all types of training and education, including the benefit of all community and extension services in order to increase their technical proficiency; (d) the right to organize self-help groups and cooperatives aimed at access to employment opportunities; (e) the right to have access to agricultural credits and loans, other services, and equal treatment in land and agrarian reform and in land resettlement schemes; and (f) the right to enjoy adequate living conditions, including housing, sanitation, etc. It is interesting to note that especially the last point would seem to be of relevance also to many women living in urban areas, yet it is not covered in other articles of the Convention.

(b) Relationship to other articles

454. Since article 14 establishes clearly that rural women are entitled to all the rights contained in the provisions of the Convention, each article is relevant in relation to article 14.

(c) Core issues and strategies for implementation

455. The Committee, depending also on the circumstances in specific States Parties, may ask about the situation of rural women under any of the articles of the Convention. At the same time, it will address each of the sections of article 14, as appropriate. The following issues are among those most frequently addressed under this article.

456. The Committee asks about the overall number of rural women, their percentage as compared with urban women, and the importance of the rural sector in the economy of the State Party. It inquires about migration trends, destinations and causes for such migration.

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457. Under this article, the Committee monitors what potentially can amount to double discrimination of rural women, that is, discrimination against a vulnerable group and discrimination because of sex. Therefore, the Committee is concerned to establish a comparison between the access, opportunities and services available to rural women, as compared with urban women, with regard to education and training, employment, health care and similar facilities. Secondly, the equal access and opportunities of rural women, as compared with rural men, are of major relevance. Access to land, credit, and extension services, women's equal rights in land and agrarian reforms, their access to technology and training, their right to own property, are among the aspects the Committee monitors very carefully.

458. Rural women's social benefits, including those connected with their reproductive function, are monitored.

459. The Committee asks about opportunities of employment in rural areas not connected with agriculture. The existence of cooperatives and other self-employment schemes is reviewed. Furthermore, the Committee asks about women's involvement in industrial agricultural production, as opposed to subsistence farming.

460. It asks about special programmes in place for rural women, with regard to both their economic and their social realities. Such strategies may include extension efforts targeted to women, and special programmes in training and technology applications.

(d) Progressive implementation of the article

461. In that regard, the Committee monitors demographic trends, changes and progress in access to, and enjoyment of, economic and social rights, including property rights, financial credit, women's access to water, sanitation, and health facilities. The Committee has asked about women's participation in the preparation and implementation of development plans.

(e) Aspects for future consideration

462. The recognition that rural women as a group face particular problems also puts a particular obligation on States Parties in their efforts to eliminate discrimination. It requires careful assessment and continuing monitoring of the situation in order to ensure that appropriate mechanisms and measures are in place to prevent and to remedy discrimination when it occurs.

463. States Parties' obligations with regard to vulnerable groups of women in general, and rural women in particular, have not always been spelled out fully. Yet it is especially vis-à-vis such groups that the protection offered by the Convention assumes increased relevance.

464. Likewise, women's participation in decision-making with regard to rural development might be an aspect on which the Committee could provide additional guidance to States Parties with regard to their obligations under this article.

12. Articles 9, 15 and 16

465. The Committee adopted general recommendation 21 (thirteenth session, 1994), analysing these three articles. The text of the general recommendation follows.

Equality in marriage and family relations

1. The Convention on the Elimination of All Forms of Discrimination against Women affirms the equality of human rights for women and men in society and in the family. The Convention has an important place among international treaties concerned with human rights.

2. Other conventions and declarations also confer great significance on the family and woman's status within it. These include the Universal Declaration of Human Rights (General Assembly resolution 217/A (III) of 8 December 1948), the International Covenant on Civil and Political Rights (resolution 2200 A (XXI), annex of 16 December 1966), the Convention on the Nationality of Married Women (resolution 1040 (XI), annex of 29 January 1957), the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (resolution 1763 A (XVII), annex of 7 November 1962) and the subsequent Recommendation thereon (resolution 2018 (XX) of 1 November 1965) and the Nairobi Forward-looking Strategies for the Advancement of Women. 24/

3. The Convention on the Elimination of All Forms of Discrimination against Women recalls the inalienable rights of women which are already embodied in the above-mentioned conventions and declarations, but it goes further by recognizing the importance of culture and tradition in shaping the thinking and behaviour of men and women and the significant part they play in restricting the exercise of basic rights by women.

Background

4. The year 1994 was designated by the General Assembly in its resolution 44/82 of 8 December 1989 as the International Year of the Family. The Committee wishes to take the opportunity to stress the significance of compliance with women's basic rights within the family as one of the measures that will support and encourage the national celebrations taking place.

5. Having chosen in this way to mark the Year, the Committee wishes to analyse three articles in the Convention that have special significance for the status of women in the family.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of

the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Comment

6. Nationality is critical to full participation in society. In general, States confer nationality on those who are born in that country. Nationality can also be acquired by reason of settlement or granted for humanitarian reasons, such as statelessness. Without status as nationals or citizens, women are deprived of the right to vote or to stand for public office and may be denied access to public benefits and a choice of residence. Nationality should be capable of change by an adult woman and should not be removed arbitrarily because of marriage or dissolution of marriage or because her husband or father changes his nationality.

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Comment

7. When a woman cannot enter into a contract at all, or have access to financial credit, or can do so only with her husband's or a male relative's concurrence or guarantee, she is denied legal autonomy. Any such restriction prevents her from holding property as the sole owner and precludes her from the legal management of her own business or from entering into any other form of contract. Such restrictions seriously limit the woman's ability to provide for herself and her dependants.

8. A woman's right to bring litigation is limited in some countries by law or by her access to legal advice and her ability to seek redress from the courts. In others, her status as a witness or her evidence is accorded less respect or weight than that of a man. Such laws or customs limit the

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woman's right effectively to pursue or retain her equal share of property and diminish her standing as an independent, responsible and valued member of her community. When countries limit a woman's legal capacity by their laws, or permit individuals or institutions to do the same, they are denying women their rights to be equal with men and restricting women's ability to provide for themselves and their dependants.

9. Domicile is a concept in common law countries referring to the country in which a person intends to reside and to whose jurisdiction she will submit. Domicile is originally acquired by a child through its parents but, in adulthood, denotes the country in which a person normally resides and in which she intends to reside permanently. As in the case of nationality, the examination of States Parties' reports demonstrates that a woman will not always be permitted at law to choose her own domicile. Domicile, like nationality, should be capable of change at will by an adult woman regardless of her marital status. Any restrictions on a woman's right to choose a domicile on the same basis as a man may limit her access to the courts in the country in which she lives or prevent her from entering and leaving a country freely and in her own right.

10. Migrant women who live and work temporarily in another country should be permitted the same rights as men to have their spouses, partners and children join them.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

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(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Comment

Public and private life

11. Historically, human activity in public and private life has been viewed differently and regulated accordingly. In all societies, women who have traditionally performed their roles in the private or domestic sphere have long had those activities treated as inferior.

12. As such activities are invaluable for the survival of society, there can be no justification for applying different and discriminatory laws or customs to them. Reports of States Parties disclose that there are still countries where de jure equality does not exist. Women are thereby prevented from having equal access to resources and from enjoying equality of status in the family and society. Even where de jure equality exists, all societies assign different roles, which are regarded as inferior, to women. In this way, principles of justice and equality contained in particular in article 16, and also in articles 2, 5 and 24, of the Convention are being violated.

Various forms of family

13. The form and concept of the family can vary from State to State, and even between regions within a State. Whatever form it takes, and whatever the legal system, religion, custom or tradition within the country, the treatment of women in the family both at law and in private must accord with the principles of equality and justice for all people, as article 2 of the Convention requires.

Polygamous marriages

14. States Parties' reports also disclose that polygamy is practised in a number of countries. Polygamous marriage contravenes a woman's right to equality with men, and can have such serious emotional and financial consequences for her and her dependants that such marriages ought to be discouraged and prohibited. The Committee notes with concern that some States Parties, whose constitutions guarantee equal rights, permit polygamous marriage in accordance with personal or customary law. This violates the constitutional rights of women, and breaches the provisions of article 5 (a) of the Convention.

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Article 16 (1) (a) and (b)

15. While most countries report that national constitutions and laws comply with the Convention, custom, tradition and failure to enforce these laws in reality contravene the Convention.

16. A woman's right to choose a spouse and enter freely into marriage is central to her life and to her dignity and equality as a human being. An examination of States Parties' reports discloses that there are countries which, on the basis of custom, religious beliefs or the ethnic origins of particular groups of people, permit forced marriages or remarriages. Other countries allow a woman's marriage to be arranged for payment or preferment, and in others women's poverty forces them to marry foreign nationals for financial security. Subject to reasonable restrictions, based, for example, on a woman's youth or consanguinity with her partner, a woman's right to choose when, if and whom she will marry must be protected and enforced at law.

Article 16 (1) (c)

17. An examination of States Parties' reports discloses that many countries in their legal systems provide for the rights and responsibilities of married partners by relying on the application of common law principles, religious or customary law, rather than by complying with the principles contained in the Convention. These variations in law and practice relating to marriage have wide-ranging consequences for women, invariably restricting their rights to equal status and responsibility within marriage. Such limitations often result in the husband being accorded the status of head of household and primary decision maker and therefore contravene the provisions of the Convention.

18. Moreover, generally a de facto union is not given legal protection at all. Women living in such relationships should have their equality of status with men both in family life and in the sharing of income and assets protected by law. Such women should share equal rights and responsibilities with men for the care and raising of dependent children or family members.

Article 16 (1) (d) and (f)

19. As provided in article 5 (b), most States recognize the shared responsibility of parents for the care, protection and maintenance of children. The principle that "the best interests of the child shall be the paramount consideration", was included in the Convention on the Rights of the Child (General Assembly resolution 44/25, annex of 17 November 1979) and now seems to be universally accepted. However, in practice, some countries do not observe the principle of granting the parents of children equal status, particularly when they are not married. The children of such unions do not always enjoy the same status as those born in wedlock and, where the mothers are divorced or living apart, many fathers fail to share

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the responsibility for the care, protection and maintenance of their children.

20. The shared rights and responsibilities enunciated in the Convention should be enforced at law and as appropriate through legal concepts of guardianship, wardship, trusteeship and adoption. States Parties should ensure that by their laws both parents, regardless of their marital status and whether they live with their children or not, share equal rights and responsibilities for their children.

Article 16 (1) (e)

21. The responsibilities that women have to bear and raise children affect their right of access to education, employment and other activities related to their personal development. They also impose inequitable burdens of work on women. The number and spacing of their children have a similar impact on women's lives and also affect their physical and mental health, as well as that of their children. For these reasons, women are entitled to decide on the number and spacing of their children.

22. Some reports disclose coercive practices which have serious consequences for women, such as forced pregnancies, abortions or sterilization. Decisions to have children or not, while preferably made in consultation with spouse or partner, must not nevertheless be limited by spouse, parent, partner or Government. In order to make an informed decision about safe and reliable contraceptive measures, women must have information about contraceptive measures and their use, and guaranteed access to sex education and family planning services, as provided in article 10 (h) of the Convention.

23. There is general agreement that where there are freely available appropriate measures for the voluntary regulation of fertility, the health, development and well-being of all members of the family improve. Moreover, such services improve the general quality of life and health of the population, and the voluntary regulation of population growth helps preserve the environment and achieve sustainable economic and social development.

Article 16 (1) (g)

24. A stable family is one which is based on principles of equity, justice and individual fulfilment for each member. Each partner must therefore have the right to choose a profession or employment that is best suited to his or her abilities, qualifications and aspirations, as provided in article 11.1 (a) and (c) of the Convention. Moreover, each partner should have the right to choose his or her name, thereby preserving individuality and identity in the community and distinguishing that person from other members of society. When by law or custom a woman is obliged to change her name on marriage or at its dissolution, she is denied these rights.

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Article 16 (1) (h)

25. The rights provided in this article overlap with and complement those in article 15.2, in which an obligation is placed on States to give women equal rights to enter into and conclude contracts and to administer property.

26. Article 15.1 guarantees women equality with men before the law. The right to own, manage, enjoy and dispose of property is central to a woman's right to enjoy financial independence, and in many countries will be critical to her ability to earn a livelihood and to provide adequate housing and nutrition for herself and for her family.

27. In countries that are undergoing a programme of agrarian reform or redistribution of land among groups of different ethnic origins, the right of women, regardless of marital status, to share such redistributed land on equal terms with men should be carefully observed.

28. In most countries, a significant proportion of the women are single or divorced and many have the sole responsibility to support a family. Any discrimination in the division of property that rests on the premise that the man alone is responsible for the support of the women and children of his family and that he can and will discharge this responsibility honourably is clearly unrealistic. Consequently, any law or custom that grants men a right to a greater share of property at the end of a marriage or de facto relationship, or on the death of a relative, is discriminatory and will have a serious impact on a woman's practical ability to divorce her husband, to support herself or her family and to live in dignity as an independent person.

29. All of these rights should be guaranteed regardless of a woman's marital status.

Marital property

30. There are countries that do not acknowledge that right of women to own an equal share of the property with the husband during a marriage or de facto relationship and when that marriage or relationship ends. Many countries recognize that right, but the practical ability of women to exercise it may be limited by legal precedent or custom.

31. Even when these legal rights are vested in women, and the courts enforce them, property owned by a woman during marriage or on divorce may be managed by a man. In many States, including those where there is a community-property regime, there is no legal requirement that a woman be consulted when property owned by the parties during marriage or a de facto relationship is sold or otherwise disposed of. This limits the woman's ability to control disposition of the property or the income derived from it.

32. In some countries, on division of marital property, greater emphasis is placed on financial contributions to property acquired during a

marriage, and other contributions, such as raising children, caring for elderly relatives and discharging household duties are diminished. Often, such contributions of a non-financial nature by the wife enable the husband to earn an income and increase the assets. Financial and non-financial contributions should be accorded the same weight.

33. In many countries, property accumulated during a de facto relationship is not treated at law on the same basis as property acquired during marriage. Invariably, if the relationship ends, the woman receives a significantly lower share than her partner. Property laws and customs that discriminate in this way against married or unmarried women with or without children should be revoked and discouraged.

Inheritance

34. Reports of States Parties should include comment on the legal or customary provisions relating to inheritance laws as they affect the status of women as provided in the Convention and in Economic and Social Council resolution 884 D (XXXIV) of 16 July 1962, in which the Council recommended that States ensure that men and women in the same degree of relationship to a deceased person are entitled to equal shares in the estate and to equal rank in the order of succession. That provision has not been generally implemented.

35. There are many countries where the law and practice concerning inheritance and property result in serious discrimination against women. As a result of this uneven treatment, women may receive a smaller share of the husband's or father's property at his death than would widowers and sons. In some instances, women are granted limited and controlled rights and receive income only from the deceased's property. Often inheritance rights for widows do not reflect the principles of equal ownership of property acquired during marriage. Such provisions contravene the Convention and should be abolished.

Article 16 (2)

36. In the Vienna Declaration and Programme of Action 25/ adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, States are urged to repeal existing laws and regulations and to remove customs and practices which discriminate against and cause harm to the girl child. Article 16.2 of the Convention on the Elimination of All Forms of Discrimination against Women and the provisions of the Convention on the Rights of the Child preclude States Parties from permitting or giving validity to a marriage between persons who have not attained their majority. In the context of the Convention on the Rights of the Child, "a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier". Notwithstanding this definition, and bearing in mind the provisions of the Vienna Declaration, the Committee considers that the minimum age for marriage should be 18 for both man and woman. When men and women marry, they assume important responsibilities. Consequently, marriage should not

be permitted before they have attained full maturity and capacity to act. According to the World Health Organization, when minors, particularly girls, marry and have children, their health can be adversely affected and their education is impeded. As a result, their economic autonomy is restricted.

37. This not only affects women personally but also limits the development of their skills and independence and reduces their access to employment, thereby affecting their families and communities detrimentally.

38. Some countries provide for different ages for marriage for men and women. As such provisions assume incorrectly that women have a different rate of intellectual development from men, or that their stage of physical and intellectual development at marriage is immaterial, these provisions should be abolished. In other countries, the betrothal of girls or undertakings by family members on their behalf is permitted. Such measures contravene not only the Convention but also a woman's right freely to choose her partner.

39. States Parties should also require the registration of all marriages, whether contracted civilly or according to custom or religious law. The State can thereby ensure compliance with the Convention and establish equality between partners, a minimum age for marriage, prohibition of bigamy and polygamy and the protection of the rights of children.

Recommendations

Violence against women

40. In considering the place of women in family life, the Committee wishes to stress that the provisions of general recommendation 19 (eleventh session) 26/ concerning violence against women have great significance for women's abilities to enjoy rights and freedoms on an equal basis with men. States Parties are urged to comply with that general recommendation to ensure that, in both public and family life, women will be free of the gender-based violence that so seriously impedes their rights and freedoms as individuals.

Reservations

41. The Committee has noted with alarm the number of States Parties that have entered reservations to the whole or part of article 16, especially when a reservation has also been entered to article 2, claiming that compliance may conflict with a commonly held vision of the family based, inter alia, on cultural or religious beliefs or on the country's economic or political status.

42. Many of these countries hold a belief in the patriarchal structure of a family which places a father, husband or son in a favourable position. In some countries where fundamentalist or other extremist views or economic hardships have encouraged a return to old values and traditions, women's

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place in the family has deteriorated sharply. In others, where it has been recognized that a modern society depends for its economic advance and for the general good of the community on involving all adults equally, regardless of gender, these taboos and reactionary or extremist ideas have progressively been discouraged.

43. Consistent with articles 2, 3 and 24 in particular, the Committee requires that all States Parties gradually progress to a stage where, by its resolute discouragement of notions of the inequality of women in the home, each country will withdraw its reservation, in particular to articles 9, 15 and 16 of the Convention.

44. States Parties should resolutely discourage any notions of inequality of women and men which are affirmed by laws, or by religious or private law or by custom, and progress to the stage where reservations, particularly to article 16, will be withdrawn.

45. The Committee noted, on the basis of its examination of initial and subsequent periodic reports, that in some States Parties to the Convention that had ratified or acceded without reservation, certain laws, especially those dealing with family, do not actually conform to the provisions of the Convention.

46. Their laws still contain many measures which discriminate against women based on norms, customs and socio-cultural prejudices. These States, because of their specific situation regarding these articles, make it difficult for the Committee to evaluate and understand the status of women.

47. The Committee, in particular on the basis of articles 1 and 2 of the Convention, requests that those States Parties make the necessary efforts to examine the de facto situation relating to the issues and to introduce the required measures in their national legislation still containing provisions discriminatory to women.

Reports

48. Assisted by the comments in the present general recommendation, in their reports States Parties should:

(a) Indicate the stage that has been reached in the country's progress to removal of all reservations to the Convention, in particular reservations to article 16;

(b) Set out whether their laws comply with the principles of articles 9, 15 and 16 and where, by reason of religious or private law or custom, compliance with the law or with the Convention is impeded.

Legislation

49. States Parties should, where necessary to comply with the Convention, in particular in order to comply with articles 9, 15 and 16, enact and enforce legislation.

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Encouraging compliance with the Convention

50. Assisted by the comments in the present general recommendation, and as required by articles 2, 3 and 24, States Parties should introduce measures directed at encouraging full compliance with the principles of the Convention, particularly where religious or private law or custom conflict with those principles.

13. Violence against women

466. The Committee adopted general recommendation 19 (eleventh session, 1992) on violence against women. The text of the general recommendation follows.

General recommendation 19 (eleventh session, 1992)

Violence against women

Background

1. Gender-based violence is a form of discrimination which seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.

2. At its eighth session in 1989, the Committee on the Elimination of Discrimination against Women recommended that States should include in their reports information about violence and about measures introduced to deal with it (general recommendation 12, eighth session).

3. At the tenth session in 1991, it was decided to allocate part of the eleventh session to a discussion and study on article 6 and other articles relating to violence towards women and the sexual harassment and exploitation of women. This subject was chosen in anticipation of the World Conference on Human Rights in 1993.

4. The Committee has concluded that the reports of States Parties do not all adequately reflect the close connection between discrimination against women, gender-based violence, and violations of human rights and fundamental freedoms. The full implementation of the Convention requires States to take positive measures to eliminate all forms of violence against women.

I. VIOLENCE AGAINST WOMEN IS A FORM OF DISCRIMINATION

5. The Committee recommends to States Parties that in reviewing their laws and policies, and in reporting under the Convention, they should have regard to the following comments of the Committee concerning gender-based violence.

GENERAL COMMENTS

Gender-based violence is discrimination

6. The Convention, in article 1, defines "discrimination against women" as meaning:

> any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

7. This definition of discrimination includes gender-based violence, that is, violence which is directed against a woman because she is a woman or which affects women disproportionately. It includes acts which inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.

Gender-based violence violates human rights

8. Gender-based violence which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under specific human rights conventions is discrimination within the meaning of article 1 of the Convention. These rights and freedoms include, *inter alia*

- The right to life
- The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment
- The right to the equal protection of humanitarian norms in time of international or internal armed conflict
- The right to liberty and security of person
- The right to the equal protection of the law
- The right to equality in the family
- The right to the highest standard attainable of physical and mental health
- The right to just and favourable conditions of work

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The Convention covers public and private acts

9. The Convention applies to violence perpetrated by public authorities. Such acts of violence may also breach that State's obligations under general international human rights law, and under other conventions, in addition to being a breach of this Convention.

10. It should be emphasized, however, that discrimination under the Convention is not restricted to actions by or on behalf of Governments (see articles 2 (e) and 2 (f) and 5). For example, under article 2 (e) the Convention calls on States to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights, or to investigate and punish acts of violence, and to provide compensation.

11. States Parties should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act.

COMMENTS ON SPECIFIC PROVISIONS OF THE CONVENTION

Elimination of discrimination in all its forms (articles 2 and 3)

12. Under articles 2 and 3, States are to take all appropriate measures to overcome discrimination in all fields. The kind of measures to be taken are not restricted to the matters covered by specific articles of the Convention. Articles 2 and 3 establish a comprehensive obligation to eliminate discrimination in all its forms in addition to the specific obligations under articles 5-16.

13. States should ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity. Appropriate protective and support services should be provided for victims. Gender-sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention.

14. States should encourage the compilation of statistics and research about the extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence.

Traditional attitudes, customs and practices (articles 2 (f), 5 and 10 (c))

15. Traditional attitudes under which women are regarded as subordinate or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices may justify gender-based violence as a form of protection or

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control of women. The effect of such violence to the physical and mental integrity of women deprives them of the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms. While this comment addresses mainly actual or threatened violence, the underlying (structural) consequences of these forms of gender-based violence help to maintain women in subordinate roles, and contribute to their low level of political participation, and to their lower level of education, skills and work opportunities. The full implementation of the Convention requires that effective measures be taken to overcome these attitudes and practices. States should introduce education and public information programmes to help eliminate prejudices which hinder women's equality (recommendation 3, 1987).

16. These attitudes also contribute to the propagation of pornography and the depiction and other commercial exploitation of women as sexual objects, rather than as individuals. This in turn contributes to gender-based violence. Effective measures should be taken to ensure that the media respect and promote respect for women.

17. States' reports should identify the nature and extent of attitudes, custom and practices which perpetuate violence against women, and on the kind of violence which results. They should report the measures which they have undertaken to overcome violence and the effect of those measures.

Exploitation of prostitution and trafficking in women (article 6)

18. Article 6 requires States Parties to take measures "to suppress all forms of traffic in women and exploitation of prostitution of women."

19. Poverty and unemployment increase the opportunities for trafficking in women. In addition to established forms of trafficking, there are new forms of sexual exploitation, such as sex tourism, the recruiting of domestic labour from developing countries to work in the developed world, and organized marriages between women from developing countries and foreign nationals. These practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity. They put women at special risk of violence and abuse. Specific preventive and punitive measures are necessary to overcome trafficking and sexual exploitation.

20. Poverty and unemployment also force many women, including young girls, into prostitution. Prostitutes are especially vulnerable to violence, because their status, which may be unlawful, tends to marginalize them. They need the equal protection of laws against rape and other forms of violence.

21. Wars, armed conflicts and occupation of territories often lead to increased prostitution, trafficking in women and sexual assault of women, which require specific protective and punitive measures.

22. States' reports should describe the extent of all these problems and the measures, including penal provisions, preventive and rehabilitation

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measures, which have been taken to protect women engaged in prostitution or subject to trafficking and other forms of sexual exploitation. The effectiveness of these measures should also be described.

Violence and equality in employment (article 11)

23. Equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace.

24. Sexual harassment includes such unwelcome sexually determined behaviour as physical contacts and advances, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment. Effective complaints procedures and remedies, including compensation, should be provided.

25. States should include in their reports information about sexual harassment, and on measures to protect women from sexual harassment and other forms of violence of coercion in the workplace.

Violence and health (article 12)

26. Article 12 requires States to take measures to ensure equal access to health care. Violence against women puts their health and lives at risk. States should establish or support services for victims of family violence, rape, sexual assault and other forms of gender-based violence, including refuges, specially trained health workers, rehabilitation and counselling.

27. In some States there are traditional practices perpetuated by culture and tradition that are harmful to the health of women and children. These practices include dietary restrictions for pregnant women, preference for male children and female circumcision or genital mutilation. States should take measures to overcome such practices and should take account of the Committee's recommendations on female circumcision (recommendation 14) in reporting on health issues.

28. Compulsory sterilization or abortion affects women's physical and mental health adversely, and infringes the rights of women to choose "the number and spacing of their children" (article 16.1 (e)). States should ensure that measures are taken to prevent coercion in regard to fertility and reproduction, and to ensure that women are not forced to seek unsafe medical procedures, such as illegal abortion, because of lack of appropriate services in regard to fertility control.

29. States' reports should report on the extent of these problems and should indicate the measures which have been taken and their effect.

Rural women (article 14)

30. Rural women are at risk of gender-based violence because of the persistence of traditional attitudes regarding the subordinate role of women in many rural communities. States should ensure that services for victims of violence are accessible to rural women and that, where necessary, special services are provided to isolated communities. Girls from rural communities are at special risk of violence and sexual exploitation when they leave the rural community to seek employment in towns. Measures to protect them from violence should include training and employment opportunities and the monitoring of the employment conditions of domestic workers.

31. States should report on the risks to rural women, the extent and nature of violence and abuse to which they are subject, their need for and access to support and other services and on the effectiveness of measures to overcome violence.

Family violence (article 16)

32. Family violence is one of the most insidious forms of violence against women. It is prevalent in all societies. Within family relationships, women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence described under article 5 which are perpetuated by traditional attitudes. Lack of economic independence forces many women to stay in violent relationships. The abrogation of their family responsibilities by men can be a form of violence and coercion. These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality. Measures which are necessary to overcome family violence include:

- Criminal penalties where necessary and civil remedies in case of domestic violence

- Legislation to remove the defence of honour in regard to the assault or murder of a female family member

- Services to ensure the safety and security of victims of family violence, including refuges, counselling and rehabilitation programmes

- Rehabilitation programmes for perpetrators of domestic violence

- Support services for families where incest or sexual abuse has occurred

33. States should report on the extent of domestic violence and sexual abuse, and on the preventive, punitive and remedial measures that have been taken.

II. MEASURES NECESSARY TO OVERCOME VIOLENCE

In the light of these comments, the Committee recommends:

(1) That States take all legal and other measures which are necessary to provide effective protection of women against gender-based violence, including, *inter alia*:

(a) Effective legal measures, including penal sanctions, civil remedies and compensatory provisions to protect women against all kinds of violence, including, *inter alia*, violence and abuse in the family, sexual assault and sexual harassment in the workplace;

(b) Preventive measures, including public information and education programmes to change attitudes concerning the roles and status of men and women;

(c) Protective measures, including refuges, counselling, rehabilitation and support services for women who are the victims of violence or who are at risk of violence.

(2) That States report on all forms of gender-based violence, and that such reports include all available data about the incidence of each form of violence, and about the effects of such violence on the women who are victims.

(3) That States' reports include information about the legal, preventive and protective measures which have been taken to overcome violence against women, and on the effectiveness of such measures.

IV. THE FUTURE OF THE CONVENTION AND THE COMMITTEE

467. During the 14 years of its existence, the Committee has steadily developed and broadened its understanding of the mandate entrusted to it under the Convention. The consideration of States Parties' reports remains without doubt the central activity and object of concern of the Committee and will continue to occupy most of its time and attention also in the future. This responsibility will continue to evolve in a flexible and constructive way in order to respond to new situations. The experience and practice of other human rights treaty bodies will be monitored by the Committee for possible adaptation to its own needs. As the reporting process is maturing, with greater numbers of second and subsequent reports submitted to the Committee, it would be expected to keep under active review its current methodology for their consideration in order to prevent the process from becoming routine, repetitive and stale.

468. Other means for the protection and promotion of women's rights available, or absent, under the Convention are increasingly complementing the Committee's primary task. The Committee's work of preparing detailed general recommendations under article 21.1 assists States Parties in understanding their obligations under the Convention.

469. Both the Convention and the Committee are also increasingly seen in relation to other efforts within the United Nations system that aim at the realization of one of the overarching goals of the Organization, that is, the promotion and encouragement of the respect for human rights and fundamental freedoms for all without distinction as to sex, inter alia. Such efforts raise questions as to the institutional and substantive relationship of the Convention and the Committee to other entities within the system, as well as whether the Convention and the Committee are equipped with the best set of tools to contribute to the realization of these goals, at the national as well as the international levels.

470. Finally, while the influence of the Committee can clearly be felt beyond the treaty regime itself, it may be useful for the nature of the institutional relationship between the treaty-based and policy-based regimes to be looked at in order to draw some conclusions for the future relationship.

471. Thus, the future of the Convention and the Committee can be examined from two angles: substantive and institutional. In addition, what might be called the public information/publicity aspects will determine the role the Convention and the Committee will play in the universal human rights regime in general, and in the advancement of women in particular.

A. Substantive considerations

1. The future of reporting under the Convention

472. The drafting of the Convention was clearly the culmination of a long process of defining the international legal framework, State responsibilities and obligations with regard to women's equality and non-discrimination. The

Convention, like other human rights treaties, establishes a reporting system in order to enhance the international accountability of States Parties in relation to the protection and promotion of the rights contained in the Convention, which they accept as their treaty obligations.

473. It has been stated that the reporting system lies at the very heart of the international system for the promotion and protection of respect for human rights (A/44/668, para. 31). At the same time, the reporting system is plagued by many difficulties, some of which, as they relate to the Committee, have been discussed in earlier sections of the present report. Likewise, the study prepared by an independent expert in 1989 on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments (A/44/668), its interim update of 1993, and the reports of the meetings of the persons chairing the human rights treaty bodies, have given ample testimony to those problems and made extensive recommendations to remedy them.

474. Improvements in the system in general, and under the Convention in particular, will increasingly determine the usefulness, effectiveness, and particularly the credibility, of the reporting mechanism. Some of these aspects are addressed briefly below.

(a) Meeting time

475. The Committee has tried for many years to address problems connected with reporting through a series of measures. It was, however, unable to overcome the effective constraints imposed on its monitoring capability by article 20.1 of the Convention, which limits its annual meeting time to "not more than two weeks". The long-term solution, in the Committee's view, lies in an amendment of the article so as to enable the Committee to have adequate time available for the discharge of its duties. The Convention itself, in its article 26, lays down the procedure for revisions to the treaty.

476. At its thirteenth session, the Committee formally recommended to the 7th meeting of the States Parties to amend, on an exceptional basis and with reference only to the working of the Committee, article 20 of the Convention to allow the Committee to meet annually to consider reports submitted in accordance with article 18. The Commission on the Status of Women took up the matter, inviting the General Assembly to review the working methods of the Committee and its capacity to fulfil its mandate effectively, and to consider the possibility of amending article 20 of the Convention with regard to the meeting time allocated to the Committee.

[To be completed upon action taken by the General Assembly in December 1994.]

(b) Follow-up to concluding comments and consideration of reports

477. While the amount of time available to the Committee to consider reports is a serious obstacle, the consideration of States Parties' reports, particularly of second and subsequent periodic reports, will have to be increasingly sharpened in order to maintain its value. The Committee's new practice of

making concluding comments will achieve its usefulness only if the Committee systematically uses these comments as the basis for the consideration of the State Party's next report. Furthermore, the Committee's ability to draw systematically and consistently from sources beyond the State Party report itself must be given serious thought. The current practice of the secretariat of providing statistical information and pre-analysis of reports needs to be built upon to prepare succinct country dossiers which incorporate material available from other parts of the United Nations Secretariat, United Nations agencies, non-governmental organizations and academia.

(c) General guidelines for reporting

478. The Committee's general guidelines for the preparation of initial, and for second and subsequent reports, have served a useful purpose in assisting States Parties in fulfilling their reporting obligations. As the Committee's experience in considering reports grows, and with new procedures such as the making of concluding comments, the Committee may want to consider reviewing its guidelines in the light of the following considerations.

479. Both sets of the Committee's guidelines are kept in general terms. The Convention, however, contains the full range of civil, political, economic, social and cultural rights. It may be helpful to consult the general guidelines of the Human Rights Committee and of the Committee on Economic, Social and Cultural Rights respectively to see the approach used by these two treaty bodies with regard to the preparation of reports.

480. The Committee is also called upon to consider "the progress made in implementation" of the Convention. The concluding comments of the Committee are meant "to clearly indicate what the Committee wish[es] the State Party to report on in its next report".

481. A revised set of guidelines for initial reports could consist of two parts: the first part would be the consolidated guidelines common to all human rights treaty bodies; the second part would follow the article-by-article approach of the current guidelines, but would provide more detailed guidance to the reporting States as to the type of information the Committee hopes to receive, in the light also of the experience it has gathered since 1983, and particularly with regard to the articles dealing with economic, social and cultural rights. This could also include certain indicators to establish a baseline for second and subsequent reports.

482. The guidelines for second and subsequent reports could focus on two main aspects: the Committee's responsibility for "considering progress" in the implementation of the Convention, and follow-up to its concluding comments. Consequently, the first part of the guidelines could focus on progress made in the overall implementation of the Convention in the reporting State, measured primarily against the indicators used in the first report, and on overall trends in the situation of women in the country. This would also be the part in which to report on factors and difficulties that affect the implementation of the Convention. The second part of the report could focus on those aspects on which the Committee clearly indicated it wished the State Party to report in its next report. Furthermore, succinct information could be requested on new

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developments, laws, etc., with regard to each article. Such a procedure would reduce the burden of reporting for individual States Parties by allowing them to focus on specific aspects, while at the same time it would make the reporting process itself more satisfactory by paying particular attention to areas of concern.

483. Since the Committee has started the adoption of concluding comments only recently, a transition period will be necessary for which the first part of the guidelines could be along the lines indicated above, and the second part could highlight the issues the Committee considers to be most pertinent in the light of its experience.

484. In order to facilitate the preparation of second and subsequent reports, the Committee could advise the secretariat to notify the State Party of the due date of subsequent reports six months in advance, and at the same time bring to the attention of the State Party the concluding comments that were adopted.

(d) Overdue reports

485. Non-compliance by States Parties with reporting requirements is a violation of international law. There are currently 117 reports overdue under the Convention. While the Committee has encouraged defaulting States to combine overdue reports to reduce the burden of reporting, steps are needed to deal with those States that, notwithstanding many efforts, remain in default of their obligations. Options would seem to range from the sending of reminders, personal contacts with the country's representatives, the provision of technical assistance in preparing the report, and country visits by individual experts, to the consideration of the situation of women by the Committee without the benefit of a report. The practice of other treaty bodies may serve as guidance to the Committee in the development of a consistent procedure for dealing with the issue of overdue reports.

(e) Methodology for considering reports

486. Finally, since the reporting process remains the essence of monitoring the implementation of the Convention in the States Parties, the Committee may wish to evaluate its current methodology for monitoring the human rights of women and review the current format of the constructive dialogue, in particular in regard to the quality of the question-and-answer sessions, the ability for immediate follow-up to questions during the dialogue, and the utilization of information beyond what is provided by the State Party. In that regard, the Committee may wish to consider the designation of "country rapporteurs", as is now common practice in other committees, who take on special responsibility for studying the report and any additional information that is available, and who also takes the lead in posing questions, without in any way limiting the right of other experts to participate in the dialogue. In order to ensure as satisfying a constructive dialogue as possible, the Committee could consider possibilities and circumstances under which it could request additional information from the State Party after the report has been scheduled for consideration but before it is taken up by the Committee.

487. Under this rubric, the Committee may also wish to address the issue of formal (or informal) participation of persons other than the Committee experts and the State Party representatives in the consideration of reports. While written information from other sources is already being utilized to some extent in the monitoring exercise, and an understanding has been reached that specialists can be invited to participate in the Committee's Working Group II, the Committee may wish to start a process of exploring parameters for broadening the consideration of reports to take full advantage of the expertise available.

488. One area which the Committee has never really considered is how to follow up the constructive dialogue before the consideration of the next report, and apart from requests for exceptional reports under emergency situations. Under what circumstances could it be desirable to request additional information before the next report is due? How could such information be dealt with by the Committee? Could the Committee involve itself in requesting that specific steps be taken by the reporting State on the basis of the dialogue?

(f) Cooperation with other treaty bodies

489. The Committee is now encouraging individual members to follow the work of other treaty bodies, to brief the Committee about relevant developments, and to use personal contacts to inform other treaty bodies about the work of the Committee. It is now also informing other treaty bodies, by an official communication, of its decisions and general recommendations. The Committee may wish to consider formalizing the monitoring of the work of other treaty bodies by designating volunteers to assume this responsibility, who could alert the Committee to specific issues of interest. This would clearly strengthen the impact of the circulation of the annual reports to all members of the Committee by the secretariat.

2. General recommendations

490. The Committee's recently developed practice of preparing general recommendations of a detailed and substantive nature, along the lines of the general comments of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights rather than the resolutions of intergovernmental bodies, has substantially broadened the Committee's ability to make available to States Parties the experience gained in the consideration of large numbers of reports with regard to specific issues. These general recommendations represent a major vehicle for the Committee to contribute to the understanding of the normative content of the rights contained in the Convention. They have already become an increasingly important source of jurisprudence on the Convention. They are important to the dissemination of the Committee's work, and the integration of gender issues into the work of the United Nations.

491. The Committee has used the vehicle of a general recommendation to address a major area of concern not directly addressed in the Convention, that is, violence against women (general recommendation 19). This general recommendation contains a detailed analysis of the phenomenon and persistence of violence against women and suggestions for States Parties as to methods of its eradication and remedies which should be available to women who are victims of

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violence. While not binding on States Parties, the recommendation is the Committee's authoritative statement on the meaning of the Convention with regard to violence against women, and thus forms part of a growing body of jurisprudence surrounding the Convention.

492. Since general recommendations are also intended to guide States Parties as to the kind of information the Committee hopes to receive in their reports, it can be anticipated that more detailed information will become available with regard to violence against women. Such information, as well as the recommendation per se, is expected to support and strengthen the work of the Special Rapporteur on violence against women, including its causes and its consequences, of the Commission on Human Rights (see Commission on Human Rights resolution 1994/45 of 4 March 1994). The Special Rapporteur is explicitly invited to carry out the mandate within the framework of, inter alia, the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women.

493. General recommendation 19 strongly influenced the preparation of the above Declaration by the General Assembly (resolution 48/104 of 20 December 1993). In adopting the Declaration, the Assembly established clearly the link between the effective implementation of the Convention and the elimination of violence against women. The Declaration is expected to strengthen and complement that process, and thus is an addition to the body of international norms in the field of human rights.

494. In recent years, the timing of certain international events has contributed to the selection of specific issues or articles for the preparation of general comments (The World Conference on Human Rights for general recommendation 19, the International Year of the Family for general recommendation 21). It has become clear that more than one session of the Committee is necessary to proceed from a first draft of a general recommendation to its adoption, which is also the case in other treaty bodies which prepare such general comments.

495. The Committee may therefore wish to continue with the adoption of a long-term programme of work (some three to four years), identifying the articles or issues it will start to discuss at certain sessions, and bearing in mind that more than one session is needed for the preparation of general recommendations. Individual experts would continue to be chosen to prepare a first draft. At the same time, the secretariat would continue to prepare a pre-session document containing analysis of the information about the article or issue contained in States Parties' reports. This background paper would serve as a common basis of reference for the experts.

496. The Committee may wish to share this work programme with other treaty bodies and in turn seek information about the work programme of other committees. This would facilitate possible mutual input into the process. The Committee may wish to consider offering its comments on draft general comments of other treaty bodies, and perhaps offer its own drafts for similar input.

497. It is self-evident that many of the considerations under sections 1 and 2 above are fully contingent upon a substantial increase in the meeting time allocated annually to the Committee.

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3. Optional protocol introducing the right of petition

498. The question as to whether the Convention on Women should be provided with a mechanism allowing for an individual complaints procedure had been raised during the drafting process. A small number of delegations mentioned the precedents of the International Covenant on Civil and Political Rights and its Optional Protocol and the Convention on the Elimination of Racial Discrimination, but no sustained effort was made to create similar implementation mechanisms under the Convention relating to women.

499. In recent years, the emphasis within the United Nations human rights system has shifted from standard-setting to the implementation of existing international standards. While the reporting procedure continues to be the common form of monitoring international compliance under all the human rights treaties, procedures that provide individuals with the possibility of seeking redress for alleged violations of human rights are also a long-standing part of the international system.

500. Several of the principal international human rights conventions provide a mechanism that allows individuals, or groups of individuals, to complain about violations of rights protected under the respective treaty. The International Covenant on Civil and Political Rights and the Convention on the Elimination of Racial Discrimination are such examples. No complaints procedure exists currently under the International Covenant on Economic, Social and Cultural Rights, but its Committee has considered the matter for several years. In its contribution to the World Conference on Human Rights, the Committee spelt out in detail the principal issues that would arise in connection with the drafting of an optional protocol to the Covenant. The Committee on Economic, Social and Cultural Rights, based on these considerations, stated its belief to the Conference that "there are strong reasons for adopting a complaints procedure (in the form of an optional protocol to the Covenant) in respect of the economic, social and cultural rights contained in the Covenant" (A/CONF.157/PC/62/Add.5).

501. The Committee first dealt with the question of possible optional protocols under the Convention after an expert group meeting on violence against women in 1991 had included among its recommendations the drafting of an optional protocol to the Convention. The expert meeting had been convened by the secretariat in response to a relevant proposal by the Commission on the Status of Women which was adopted by the Economic and Social Council. Following its review of the results of this expert group meeting, the Committee included in its recommendations to the World Conference on Human Rights that, with a view to placing the Convention on the Elimination of All Forms of Discrimination against Women on the same footing as other human rights conventions, a study should be prepared on the feasibility of drafting optional protocols. The Committee did not specify further what issues could be addressed by such protocols.

502. Following a relevant recommendation by the World Conference on Human Rights, which had requested the Commission on the Status of Women and the Committee to examine quickly the possibility of introducing the right to petition through the preparation of an optional protocol to the Convention, the Committee, at its thirteenth session, discussed in an ad hoc working group the

feasibility of preparing such an optional protocol to the Convention. The discussion was facilitated by analysis provided by the secretariat in the pre-session document on ways and means of expediting the work of the Committee.

503. Based on this discussion and on the recommendation of its ad hoc working group (Working Group III), the Committee adopted a suggestion which called for the convening of an expert group meeting, with the participation of a member of the Committee, to prepare a draft optional protocol to the Convention providing for a complaints procedure. The Committee as a whole intended to comment on the report of the meeting before its submission to the Commission on the Status of Women for action.

504. Such a procedure would have been in accordance with the recommendation on new instruments of the fourth meeting of the persons chairing human rights treaty bodies, that preference should be given to protocols to existing treaties rather than to entirely new instruments, with the supervision of the protocol entrusted to an existing body. The chairpersons had also recommended that, when such protocols are under preparation, the relevant treaty body should be consulted prior to their final adoption.

505. The subsequent decision taken by the intergovernmental machinery with regard to the right to petition in the framework of the Convention was more cautious. Instead of the Committee's request, which assumes that an optional protocol providing the right to petition is feasible and desirable, the Economic and Social Council, on the recommendation of the Commission, instructed it only to examine the feasibility of introducing such a right for the time being.

506. Over the years, it has become increasingly apparent that the gap left by the absence of an individual complaints procedure under the Convention is not being closed through compensatory use of comparable procedures under other international human rights instruments. Therefore, it can be argued that the existence of an optional protocol under the Convention would strengthen the capability of the international human rights regime in the field of implementation as it would enhance the realization of women's human rights.

507. Apart from enhancing the enjoyment of the rights contained in the Convention by individuals, the right to petition would potentially provide the opportunity for a major step forward in bringing clarity to the normative content of the Convention through the development of jurisprudence in reply to complaints or petitions. This would be of particular significance with regard to the economic, social and cultural rights contained in the Convention, whose justiciability is sometimes questioned, and often without good reason. In general, these rights reflect issues of pressing concern to women in their daily lives, but their promotion remains hampered by their vagueness and marginalization in the human rights debate. It has been argued elsewhere that the elaboration of general recommendations by treaty bodies has made significant contributions towards a better understanding of the normative content of the provisions of international human rights instruments. Major jurisprudential contributions, however, will not usually emanate from them. (See A/CONF.157/PC/62/Add.5, Analytical paper prepared by the Committee on Economic, Social and Cultural Rights concerning an optional protocol under the Covenant.)

508. The optional character of a protocol introducing the right to petition to the Convention would leave it exclusively to the individual State Party to decide whether, and when, it wishes to become party to this mechanism. As the example of the International Covenant on Civil and Political Rights demonstrates, the existence of two optional protocols, adopted at different times and with ratification levels quite different from those of the Covenant itself, has at no time had a detrimental impact on the integrity of the treaty regime or its Committee.

509. Concerns have been voiced that the existence of an optional protocol under the Convention may lead to a large number of complaints which the Committee would be unable to handle. It has also been suggested that, as ratifications are more likely to come from countries where women's issues enjoy high visibility, Governments with effective gender policies are more likely to be the subject of complaints than those which do much less to realize the rights contained in the Convention. If the experience of other treaty bodies can serve as an indication, none of them has been overwhelmed with individual complaints. It should also be pointed out that international complaints procedures do not usually extend to the body handling them with power to redress situations, but limit it to determining whether a treaty violation has occurred. Such complaints do, therefore, offer an essential opportunity to develop the jurisprudential understanding of the rights recognized under the treaties (see A/CONF.157/PC/62/Add.5).

510. An issue to be addressed in a timely and effective fashion in conjunction with the consideration of an optional protocol to the Convention regards the Committee's ability to deal with complaints within the time available to it for its annual sessions. The resources that would be necessary for the secretariat in that regard are being considered under section B below.

511. As has been demonstrated earlier, the two weeks currently available to the Committee for its annual sessions are clearly insufficient. Therefore, any additional responsibilities entrusted to the Committee will have to be preceded by, or complemented with, a clear, long-term solution to the Committee's problems in this area.

4. Women's human rights and the general human rights regime

512. The establishment by the Member States in 1946 of a separate, but parallel machinery to deal with human rights and with women's issues has enabled the Commission on the Status of Women to respond to the specific needs of women. The Commission has, from the very beginning, dealt with women's rights in parallel to the general human rights regime. The development of the policy- and treaty-based regimes to address the advancement of women and women's rights through the Commission and the Committee, enabled the women's machinery to accumulate a wealth of knowledge, insight and policy recommendations and to develop a strong identity and high visibility within the United Nations system and at the national level (see chapter I of the present report).

513. The United Nations holistic approach to the advancement of women, built upon both policy development and the development of international legal

standards and norms, recognizes in particular that the advancement of women encompasses two distinct, but closely linked and indispensable dimensions: the rights-based dimension which holds States Parties accountable for the implementation of their treaty obligations; and the policy-based dimension which aims at defining norms for public action and private behaviour, and at turning women's rights into reality in all Member States of the United Nations. It also recognizes that women's equality and non-discrimination are contingent upon a set of factors that include the respect for human rights, the promotion of social development, change in societal behaviour and stereotypes, equal participation and full citizenship, and the political will to set in motion a process that ultimately will lead to fundamental structural change for the benefit of society as a whole.

514. The work of the Commission on the Status of Women in making policy about public action and private behaviour moulds the understanding of the States Parties to the Convention as to their obligations under the treaty, and the provisions of the Convention are the basis for policies that States Parties should develop to enable women to enjoy internationally recognized human rights de facto and not just de jure.

515. More recently, there has been growing concern that women's human rights, and especially gender-specific violations, were given scant or no attention by the general human rights regime. Women's human rights concerns were increasingly seen as being marginalized and isolated within the Convention, dispensing the general human rights regime, including treaty bodies, special rapporteurs and other mechanisms, from its responsibility to promote respect for, and enjoyment of, human rights and fundamental freedoms for all, as called for in the Charter of the United Nations.

516. The World Conference on Human Rights and its preparatory process provided the framework for a reassessment of the separation of the two regimes. In anticipation of the actions of the Conference, the Commission on Human Rights, at its forty-ninth session, adopted a resolution directing the human rights mechanisms to integrate women's human rights into their work.

517. The Vienna Declaration and Programme of Action of the World Conference on Human Rights identifies a series of concerns, priorities and objectives which map out the future direction of human rights endeavours within the United Nations. Several of these are of particular relevance and importance to the status and advancement of women.

518. The Vienna Declaration and Programme of Action expresses deep concern at the continuing violence and discrimination to which women continue to be exposed all over the world. It restates the principle that the human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights. Two general conclusions flow from this basic principle: the full and equal participation of women in political, civil, economic, social and cultural life are priority objectives of the international community and women's human rights should form an integral part of all United Nations human rights activities.

519. To facilitate this process, the Programme of Action advocates and envisages increased cooperation and coordination of the goals and activities of treaty-based and policy-making organs within the United Nations.

520. The Conference agreed that all organs, bodies and specialized agencies should increase the level of cooperation in order to strengthen, rationalize and streamline their activities and avoid unnecessary duplication. All bodies are now called upon to assess the impact of their strategies and policies on the enjoyment of all human rights. This means that all bodies must now regard their activities with a wider eye, considering the relevance and importance of other bodies to their own work and any resources available through them which may assist in the fulfilment of their particular mandates. At the same time, they must consider the larger impact of their own activities, taking note of the organs and activities which might benefit from their insights and information.

521. In calling for the integration of women's human rights into the work of the United Nations human rights bodies, the Conference made specific recommendations as to increased cooperation among the general human rights regime and the women's regime, including the Commission on Human Rights, the Commission on the Status of Women, and the Committee on the Elimination of All Forms of Discrimination against Women. In this context, the Conference called for strengthened cooperation and coordination between the Centre for Human Rights and the Division for the Advancement of Women.

522. It highlighted the role of the Centre for Human Rights in coordinating system-wide attention for human rights, and at the same time mandated the Division for the Advancement of Women, in cooperation with the Centre for Human Rights, to take steps to ensure that the human rights activities of the United Nations regularly address violations of women's human rights, including gender-specific abuses.

523. Following up on this recommendation of the Conference, the Commission on the Status of Women, in its resolution 38/2, requested the Secretary-General, inter alia, to prepare a joint work plan on women's human rights for the Centre and the Division on an annual basis.

524. The Committee stated at its thirteenth session that the human rights of women should form an integral part of the United Nations human rights activities, especially the promotion of the Convention and the analysis, from a gender perspective, of the implementation of the other international human rights treaties. While the promotion of the Convention is addressed below under public information activities, the analysis, from a gender perspective, of the implementation of international human rights treaties is given further consideration here.

525. As has been stated recently in a report of the Secretary-General, applied to international human rights law, gender analysis showed that those norms were not sex-neutral, but that their application (and in part also their content) and thus the equal protection and promotion of the human rights of women, was dependent upon the socially determined relations between men and women. In other words, while there was a generally accepted obligation to eliminate discrimination under international human rights law, (it was argued that) the

formal requirement of equal treatment of men and women did not take into consideration the particular nature of discrimination against women, which was systemic, pervasive, structural and cultural, and which was at the base of women's unequal enjoyment of their rights. Consequently, if the goal of universal realization of the human rights of all, without discrimination, was to be achieved, international human rights law must be applied in a way that accounted for the social causes of women's inequality. By factoring into the analysis issues such as systemic and structural discrimination, women's inferior social position relative to men of the same class, the privileges of men and disprivileges of women institutionalized in the law, gender-specific lack of rights become apparent. Making gender-based differences visible was a precondition for enabling all human rights mechanisms to address all forms of discrimination that women suffer, and to eliminate obstacles to the equal enjoyment of all human rights by men and women. The Convention on the Elimination of All Forms of Discrimination against Women remained currently the only instrument which promoted the advancement of women through the principle of rights, recognized discrimination at the private and public level as a major obstacle to the advancement of women, and included provisions for the creation of opportunities and related access.

526. The mainstreaming of the human rights of women and their integration throughout the United Nations human rights regime cannot be expected to happen through the simple exchange of documents, the decision about the venue of the Committee, the biennial meetings of the chairpersons or the request to the States Parties to include gender-disaggregated data in their reports to the general human rights bodies. It will not suffice simply to add information about women to all the States Parties' reports, or for the Committee to add questions about the situation of women. Nor can it be expected to happen only through the declared political will from the part of the United Nations Member States, particularly in the Commission and the Centre for Human Rights. It will not happen simply by adding a separate category of women's human rights, as is the case in the Vienna Declaration and Programme of Action.

527. Mainstreaming requires a reassessment of the methodologies and working methods used by the treaty bodies, and a reassessment of the conceptual approach used in monitoring treaty implementation; it may also very well require the reconceptualization of the understanding of the various human rights that are protected in the treaties.

528. It does require the will and particularly the capability of the human rights treaty bodies to consider individual States Parties' reports from a gender perspective in the limited time available to them. The utilization of the experience and expertise developed by the Committee in the consideration of States Parties' reports and in its general recommendations is essential to this effort.

529. In order to achieve this, or at least to set in motion a process in that direction, all the human rights treaty bodies will need, or would benefit from, the substantive support of the United Nations Secretariat in research and analysis. The information and experience accumulated in the implementation of the Convention are the logical source from which to draw support for the treaty

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bodies in operationalizing policy statements still in search of practical impact and usefulness.

530. In this regard, an extension of substantive servicing by the United Nations Division for the Advancement of Women, in accordance with the Division's expertise on gender issues, to the other human rights treaty bodies with regard to the mainstreaming of the human rights of women throughout the United Nations human rights regime should be considered as a matter of priority.

531. Finally, the mainstreaming of women's human rights can of course not be limited to the treaty bodies, that is, to the relationship between the Committee and the other treaty bodies, and their respective secretariats. This makes it imperative that proposals for mainstreaming, which in the present report are by necessity limited to the Committee on the Elimination of Discrimination against Women, do not lose sight of the larger framework within which the human rights of women are ultimately going to be realized, or not. Apart from the efforts of Member States of the United Nations, individually at the national level and in the framework of the international organization, the crux of any such proposal will rest upon the creation of substantive/analytical and technical capabilities, and the establishment of institutional links and mechanisms that ensure smooth, efficient and timely delivery of support to the appropriate entity.

B. Institutional aspects

532. Much, if not all, of what has been discussed above has implications for the institutional aspects as they pertain to the functioning of the Convention and the Committee. Much of it is closely related to the resources allocated to the servicing *per se*, and to supporting other activities of the Committee, and of the treaty bodies in general, with regard to the realization of women's human rights.

533. In accordance with the Convention, the responsibility for servicing the Committee is entrusted to the Secretary-General of the United Nations. The choice of the Secretary-General has been to entrust the servicing of the Committee to the secretariat entity which is substantively responsible for the United Nations women's programme, the Division for the Advancement of Women, rather than the entity procedurally responsible for servicing other human rights treaty bodies, the Centre for Human Rights.

534. Notwithstanding the increasing workload and needs expressed by the Committee owing to its evolving mandate, no additional resources have been provided to the Division from the regular budget. The Division, as a consequence, has had to continuously absorb the increasing workload within its regular work programme. Its regular staff resources have decreased since 1985. As more staff resources have been assigned to meet the substantive servicing requirements expressed by the Committee, the proportion of staff time devoted to the Committee in absolute terms, as well as compared with the reduced staff resource base since 1985, has increased notably over the years.

535. The Committee, supported by the General Assembly, has repeatedly requested that technical and substantive support for the Committee should be strengthened. The General Assembly's requests were usually accompanied by the proviso that such strengthening should occur "from within existing resources".

536. In its suggestion 4 to the World Conference on Human Rights, the Committee, *inter alia*, recommended that the servicing of the Committee should be provided by both the Centre for Human Rights and the Division. It also called for the adjustment of the meeting place in accordance with such joint servicing.

537. The Committee noted the position taken by the World Conference on Human Rights with regard to the roles of the Centre for Human Rights and the Division for the Advancement of Women. It expressed its hope for a closer cooperation which would ensure that the Committee would be given the same level of servicing as other human rights treaty bodies. It requested that the Secretariat report to it on this closer cooperation as part of its pre-session report on ways and means of improving the work of the Committee. The Committee stressed the need to have adequate resources in both the Division and the Centre as a prerequisite for such improved cooperation. The Committee stated that the resources available in the Division for servicing the Committee should be increased. It said "Within the structure of the Division [for the Advancement of Women] an adequately staffed substructure should be created for servicing the Committee on a permanent basis" (A/49/38, para. 808).

538. Thus, when considering institutional aspects pertaining to the future of the Convention and the Committee, the following aspects are pertinent:

(a) Maintaining and expanding the highest level of professionalism in secretariat support with regard to the realization of women's human rights;

(b) Integration of the equal status of women and the human rights of women into the mainstream of United Nations system-wide activity, as mandated by the World Conference on Human Rights;

(c) Effective servicing of the Committee through its access to the same services and facilities as the other human rights treaty bodies.

539. To that end, the Committee may wish to review the following options and proposals.

1. Substantive servicing

540. A first option might be the creation, within the structure of the Division for the Advancement of Women, of an adequately staffed substructure, for servicing the Committee on a permanent basis.

541. While aware that the Committee's purview is limited to its own functioning and its relationship with the other treaty bodies, it may consider that, in addition to servicing the Committee, this substructure would be responsible for all aspects pertaining to the human rights of women as they result from the Vienna Conference, and from other intergovernmental mandates, particularly those

emanating from the Commission on the Status of Women. Such a structure would preserve the holistic approach traditionally applied by the United Nations to the advancement of women, while at the same time increasing the analytical and outreach capacity of the Division for the Advancement of Women with regard to women's human rights.

542. Ideally, this substructure would be the source of expertise for all bodies called upon in one form or the other to deal with women's human rights, including all human rights bodies (Commission on Human Rights, special rapporteurs, working groups, etc.), and others such as the Department of Humanitarian Affairs and the Department of Peace-keeping Operations. The substructure would also be responsible for maintaining working relationships with United Nations specialized agencies, non-governmental organizations and academia. In that regard, expertise would be needed with regard to international human rights law as it pertains to women, as well as along sectoral lines. This substructure would be the channel for cooperation with the Centre for Human Rights.

543. The resources in terms of staff and other expertise would have to be such as to cope with the following assignments:

(a) Preparation of the Committee's pre-session documentation in accordance with established practice for the Committee's consideration of States Parties' reports;

(b) Preparation of additional analysis as the reporting process becomes more sophisticated and complex, and in accordance with the growing demands of the Committee, as outlined above;

(c) Preparation of background documentation and analysis to support the Committee's work of preparing suggestions and general recommendations;

(d) Substantive servicing of other human rights treaty bodies with regard to the human rights of women by compiling, assessing and analysing Convention-related information for use by the respective treaty body in the consideration of States Parties' reports and in the preparation of general comments or similar activities. In addition to information available from the Committee, and States Parties' reports, the servicing provided to other treaty bodies would, as is currently done for the Committee, draw from other sources and data available in the Division for the Advancement of Women. Examples include the Division's database and research on political participation and the database on violence against women, which is being set up. With regard to women's economic and social rights, the Division, in close cooperation with the United Nations Statistical Division, has been compiling and continues to compile extensive data and indicators and prepares analysis in these areas. Its access to networks, non-governmental organizations and other research institutions further reinforces the Division's expertise in gender issues.

544. Capacity along similar lines will be needed to support, from a gender perspective, the work of other human rights mechanisms, such as the Commission on Human Rights, the special rapporteurs and working groups; however, such considerations go beyond the purpose of the present report.

2. Technical servicing

545. Substantive and technical servicing for the Committee has been provided by the Division for the Advancement of Women since the Committee's first session in 1982. This did not change after the incorporation of the Division into the Department for Policy Coordination and Sustainable Development, although the Department has a division with specific responsibilities for the technical servicing of intergovernmental bodies. Within the Department, the Division for the Advancement of Women remains the only substantive division which also has technical servicing functions.

546. The Committee itself has proposed to the World Conference on Human Rights that its servicing be assumed by both the Division for the Advancement of Women and the Centre for Human Rights. At present, the Centre's contribution to the servicing of the Committee consists of information provided by a representative of the Centre on recent developments in the human rights regime that may be of particular interest to the Committee. Such information was provided during the twelfth and thirteenth sessions of the Committee.

547. In order to implement the Committee's request for joint servicing, one option would be the splitting of servicing into substantive servicing by the Division, and technical servicing by the Centre.

548. As the Centre is responsible for servicing five other treaty bodies, it has at its disposal an established and extensive structure that ensures the smooth technical, administrative, procedural and logistical functioning of the treaty bodies. It is assumed that, throughout the year, this machinery is available and in place to service all the treaty bodies, thereby creating the economies of scale which ensure the apparently more satisfying servicing the Centre for Human Rights can offer.

549. The separation of the substantive from the technical servicing for other United Nations bodies, such as for the Commission on the Status of Women, has been a satisfactory arrangement for many years.

550. The Committee's integration into such a structure would arguably eliminate some of the problems encountered by the Committee over the years (insufficient secretarial and other support, delay in receipt of translations, inadequate professional support in terms of the legal expertise needed), while maintaining its full integration into, and access to the substantive programme unit. At the same time, in accordance with the above proposal, substantive servicing with regard to women's human rights would have to be expanded to all the treaty bodies.

551. In this regard, it might be useful to draw attention to the report of the Committee on Economic, Social and Cultural Rights on its eighth session, which underlined its need for very significantly greater assistance of a substantive nature from the secretariat. In the view of the Committee, this would require a strengthening and restructuring of the relevant parts of the Centre for Human Rights to ensure the availability of competent researchers to assist the Committee members in their endeavours.

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3. Cooperation with the Special Rapporteur on violence against women, including its causes and its consequences

552. The relationship between the Committee and the Special Rapporteur on violence against women deserves particular attention, as the Special Rapporteur is called upon to implement her mandate in the framework, *inter alia*, of the Convention and the Declaration on violence against women. Therefore, permanent institutional arrangements are needed in order to ensure that the Special Rapporteur has access not only to information but also to the expertise accumulated by the Committee in this regard, and that a mechanism of regular consultation is put in place between the Committee and the Rapporteur.

4. Relationship between the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women

553. In accordance with the Convention, the Committee reports annually, through the Economic and Social Council, to the General Assembly. Its report is transmitted to the Commission on the Status of Women "for its information". While there may have been differences within the Committee in its early years as to the Committee's own competence under the Convention and *vis-à-vis* the mandate of the Commission, these have been overcome.

554. The Committee's decisions, suggestions and general recommendations are brought to the attention of the Commission regularly in a conference room paper immediately following the session of the Committee. The full report of the Committee is available to the Commission in the following calendar year. The Commission has taken up regularly concerns raised by the Committee, such as regarding its meeting time and servicing. Upon a recommendation of the Commission, the Economic and Social Council called on States Parties to take the steps necessary to implement general recommendation 19 on violence against women. The Committee is regularly informed in a pre-session report prepared by the Secretariat on the implications of the work for the Committee of the priority themes of the Commission.

555. The Committee does, however, maintain its full independence with regard to its work programme and priorities in the framework of the Convention. To the extent that the Committee has in the past responded to inquiries addressed to it by other bodies (such as the Subcommission on Prevention of Discrimination and Protection of Minorities), the Committee may be willing to provide its expert opinion also to other bodies on matters that have direct relevance for its own area of responsibility.

5. Relationship between the Committee and the States Parties to the Convention

556. The States Parties to the Convention meet biennially, immediately after the conclusion of the Committee's session in New York. Since the States Parties always meet at United Nations Headquarters in New York and the meetings are serviced by the Division for the Advancement of Women, this schedule has been

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necessary to avoid additional expenditure for staff travel from Vienna to New York by taking advantage of the presence of staff servicing the session of the Committee.

557. This back-to-back schedule, however, made it difficult for States Parties to respond to any requests or recommendations addressed to it by the Committee, largely limiting the States Parties' involvement with the Committee to their election of experts. Since the Division has now moved to New York, a rescheduling of the meeting of States Parties could be considered. This may facilitate the States Parties' involvement in matters brought to their attention by the Committee, such as the Committee's concern about adequate meeting time, or the situation of overdue reports.

C. Public information/publicity

558. The Committee has for many years noted a general lack of knowledge about the Convention and the Committee and its work, at the national as well as the international levels.

559. Over the years, the Convention and the work of the Committee have been included in the public information activities of the Department of Public Information and the Division for the Advancement of Women. One issue of the Division's publication Women 2000 was specifically devoted to the Convention and to women's human rights (No. 3, 1992), and a second one to violence against women (No. 4, 1992). A number of background factsheets were produced by the Department of Public Information.

560. Public information activities in the framework of the Convention should be geared towards two goals: the full realization of the rights contained in the Convention, and universal ratification without reservation by the year 2000.

561. The Convention is an essential tool for women all over the world in the realization of their individual rights, in influencing policy processes and in networking with other women and women's groups. But the Convention is also part and parcel of the body of international human rights law codified by the United Nations in international treaties.

562. Therefore, it is essential that the Convention and the work of the Committee be included in the public information work of the Centre for Human Rights on an equal level with other international human rights treaties and treaty bodies. It can be expected that such inclusion would promote the statement emanating from the Vienna Conference that "the human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights" through, inter alia, a better understanding about women's human rights by organizations, groups and networks active in general human rights matters and their increased attention to the human rights of women.

563. A public information programme to publicize the Convention should thus consist of two aspects: awareness-raising about the Convention as an international human rights treaty to make it accessible to women in the defence of their rights, and inclusion of the Convention in all public information

activities about human rights in general. All such activities should also publicize the work of the Committee in monitoring the Committee's implementation.

564. The Committee may consider recommending the following steps to the United Nations, and in particular to the Fourth World Conference on Women:

(1) Seek the commitment of the Governments present at Beijing to become States Parties to the Convention by the year 2000 without reservations, and the withdrawal of reservations by those who have entered them;

(2) Increase efforts by Governments, non-governmental organizations and intergovernmental organizations for the respect for, protection and promotion of the human rights of women and the girl-child;

(3) Ensure that States Parties' initial and subsequent reports are widely disseminated at the national level and that public discussions are held during the drafting process;

(4) Ensure that the concluding comments of the Committee are widely available in the reporting State, particularly to women's and human rights groups, policy makers, researchers and politicians;

(5) Ensure that the Convention and the Committee's general recommendations and concluding comments are translated into local languages, and are also available in simplified language in order to reach all levels of society;

(6) Ensure that all United Nations human rights publications include information about the Convention and the Committee, that the human rights of women are integrated into all human rights publications, and that publication series about the human rights treaties and treaty bodies cover the Convention and the Committee as a matter of course;

(7) Ensure that all human rights training, education, technical assistance and advisory services fully integrate the human rights of women.

Notes

1/ For example, in 1902 international conventions were adopted at The Hague dealing with conflicts of national laws concerning marriage, divorce and guardianship of minors; in 1904 and 1910, conventions were adopted on the suppression of traffic in women and children.

2/ The United Nations and the Status of Women (United Nations publication, Sales No. 64.I.10).

3/ Similar clauses are included in Article 13, on the General Assembly, and Article 76 (c) on the Trusteeship Council, while Article 62, on the Economic

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and Social Council, mentions the promotion of respect for and observance of human rights for all.

4/ A/PV.29, pp. 403 and 404.

5/ Ibid.

6/ The topics included: legal capacity of married women; matrimonial regimes; the right of women to engage in independent work; domicile and residence of married women; property rights of married women; parental rights and duties; inheritance laws as they affect women; divorce, annulment, and judicial separation; and the status of the unmarried mother.

7/ These topics included: various aspects of access to and conditions of employment for women; vocational guidance and vocational training; equal pay for equal work; age of retirement and pension rights; tax legislation; part-time work; older women workers; employment in handicraft and cottage industries; and the repercussions of scientific and technological changes on women's work.

8/ Recommendations dealt with questions such as: the eradication of illiteracy among women; out-of-school and adult education; education in rural areas; primary, secondary and higher education; access of women to the teaching profession; technical and vocational education; and co-education.

9/ The Secretary-General assured the Commission also that the best persons available would be selected for posts in the Secretariat. He pointed out that the emancipation of women was too recent to have produced highly qualified women in numbers approaching those of men, and that that situation was apparent in the relatively few women occupying high positions in the public life of all countries. He noted that as the proportion of trained women in public life gradually increased, that increase would logically be reflected in the staffs of the international organizations, and that the low number of women at present holding high positions in these secretariats did not therefore provide evidence of discrimination (see E/2571, para. 85).

10/ The monitoring system under the International Covenant on Economic, Social and Cultural Rights underwent progressive change in the 1980s. An expert body, similar to the one created under the International Covenant on Civil and Political Rights, assumed in 1987 the monitoring functions originally entrusted to the Economic and Social Council. The Committee has become an important addition to the human rights treaty bodies.

11/ In article 8 of the Supplementary Convention, States Parties undertake to communicate to the Secretary-General copies of any laws, regulations and administrative measures enacted or put into effect to implement the provisions of the Convention. The Secretary-General is to communicate the information received to the other Parties and to the Economic and Social Council as part of the documentation for any discussion which the Council might undertake with a view to making further recommendations for the abolition of slavery, the slave trade or the institutions which are the subject of the Convention. In article 21 of the Convention, relating to the suppression of traffic in persons, States Parties undertake to communicate to the Secretary-General such laws and regulations as have already been promulgated in their States, and thereafter annually such laws and regulations as may be promulgated relating to the subjects of the Convention, as well as all measures taken by them concerning the application of the Convention. The information received is to be published periodically by the Secretary-General and sent to all Member States which have been invited to become parties to the Convention.

12/ The Commission on the Status of Women recommended: (a) that the Secretary-General be requested to compile a confidential list of communications received concerning the status of women before each session of the Commission; (b) that that confidential list, which would also specify the contents of communications, and give the names of the organizations from which they were received, be forwarded to the members of the Commission at least 14 days before the opening of each session; (c) that the members of the Commission, at their request, have the right to consult the originals of these communications; and (d) that the Secretary-General be requested to inform the authors of all such communications that they would be brought to the attention of the Commission (see E/281/Rev.1, para. 12).

13/ Council resolution 75 (V) was amended by resolution 728 F (XXVIII). Identical amendments to resolution 76 (V) were made in resolution 304 (XI).

14/ In 1952, the United States member of the Commission on Human Rights, stating that the United States would not sign the international covenants on human rights, proposed a three part programme to the Commission, one element of which was the advisory services programme. The other two elements were the periodic reports on human rights and global studies.

15/ Nineteen regional and three interregional seminars were held under this programme as follows: regional seminars on the participation of women in public life: in Bangkok in 1957, Bogota, 1959, Addis Ababa, 1960, Ulan Bator, 1965; on civic and political education of women in Helsinki, 1967 and Accra, 1968; on the status of women in family law in Bucharest, 1961, Tokyo, 1962, Bogota, 1964 and Lomé, Togo, 1964; on the effects of scientific and technological developments on the status of women, Iasi, Romania, 1969; on measures required for the advancement of women with special reference to the establishment of a long-term programme, Manila, 1966; an interregional and regional seminar on the participation of women in economic life (with special reference to article 10 of the Declaration on the Elimination of Discrimination against Women), Moscow, 1970, and Libreville, Gabon, 1971; an interregional and two regional seminars on the status of women and family planning, Istanbul, Turkey, 1972, Jogjakarta, Indonesia, 1973, Santo Domingo, 1973; an interregional seminar on the family in a changing society, London, 1973; an interregional seminar on national machinery to accelerate the integration of women in development and to eliminate discrimination on grounds of sex, Ottawa, 1974; a regional seminar on the participation of women in economic, social and political development, Buenos Aires, 1976; and a regional seminar on the participation of women in political, economic and social development, with special emphasis on machinery to accelerate the integration of women in development, Kathmandu, 1977.

16/ Sir Arthur Lewis (Saint Lucia), Chairperson, Aziza Hussein (Egypt), Esther Boserup (Denmark), Leticia Shahani (Philippines), Mina Ben-Zvi (Israel), Sharda Divan (India), Abbas Farhar (Lebanon), Rebeca Itriago (Venezuela), A. R. Jiagge (Ghana), Elizabeth Koontz (USA), Moulai Reeves (Liberia), Khalid Shibli (Pakistan), Inga Thorsson (Sweden), Vida Tomsic (Yugoslavia) and Carlos Villamil (Colombia).

17/ See ST/SOA/120.

18/ The representatives of Greece and Guatemala in the Third Committee.

19/ The main proposer of International Women's Year in the Commission was the representative of Romania, supporting a proposal that had emanated from the Women's International Democratic Federation, while it was the representative of the United States of America, who was the principal supporter of holding a conference.

20/ The Commission defined the conference's purpose as: "to examine to what extent the organizations of the United Nations system have implemented the recommendations for the elimination of discrimination against women made by the Commission on the Status of Women since its establishment; to consider further programmes to encourage the full integration of women with special attention to women in rural areas in the total development effort; to develop an action plan that will increase women's contribution to the achievement of the goals of the Second Development Decade, and to recognize the importance of women's increasing contribution to friendly relations, cooperation and world peace".

21/ International Forum on the Role of Women in Population and Development (February-March 1974); Regional Consultation for Asia and the Far East on the Integration of Women in Development (May 1974); Regional Consultation for Africa on the Integration of Women in Development (June 1974); Interregional Seminar on National Machinery to Accelerate the Integration of Women in Development and to Eliminate Discrimination on grounds of Sex (September 1974); and Regional Consultation for Latin America on the Integration of Women in Development (April-May 1975).

22/ The first meeting of States Parties took place on 16 April 1982. It decided that the four-year term of office of the members of the Committee would start on 16 April. The first session of the Committee took place in October 1982. Subsequently, the session of the Committee was moved to August (1983) and then to March/April (1984). As a consequence of this schedule, the membership of the Committee remained unchanged for the first three sessions, in accordance with the expiration of the term of office of 11 members on 15 April 1984. The member from Egypt had become a staff member of the United Nations and therefore was not eligible to be a member of the Committee.

23/ All formally announced decisions of the Committee have been taken unanimously. On occasion, members would lodge reservations, primarily with regard to procedural matters in the Committee's internal affairs.

24/ See Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and

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Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

25/ A/CONF.157/24 (Part I), chap. III.

26/ See *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38* (A/47/38), chap. I.
